



PLANNING COMMISSION MEETING AUGUST 6, 2020

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
6:30 PM

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MEETING MINUTES
 - a. June 4, 2020
- IV. ITEMS FROM BOARD MEMBERS
- V. ITEMS FROM STAFF
- VI. PUBLIC HEARING
 - a. CU-20-03/V-20-10 Spirit of God Church/1200 Upper Hembree Road
Consideration of a conditional use to allow a 'Church, Synagogue' on a property zoned O-I (Office-Institutional). In order to save trees, a variance to increase the maximum distance for off-site parking is also requested. The property is located at 1200 Upper Hembree Road and is legally described as being located in Land Lot 553, 1st District, 2nd Section, Fulton County, Georgia.
 - b. PH-20-05 Unified Development Code Text Amendments – Alpharetta Downtown Code, Murals, Special Event Facility, Temporary Uses and Fences
Consideration of text amendments to the Unified Development Code to add or amend regulations pertaining to the Alpharetta Downtown Code, Murals, Special Event Facility, Temporary Uses, and Fences.
 - c. PH-20-11 Unified Development Code Text Amendments – Conditional Use Permit Criteria and Discount Store definition
Consideration of text amendments to the Unified Development Code to amend the criteria for a conditional use permit and amend the definition of Discount Store.
- VII. ADJOURNMENT



PLANNING COMMISSION MEETING

JUNE 4, 2020

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*This summary is provided as a convenience and service to the public, media and staff. It is not the intent to record proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted as heard by the Planning Commission, but not quoted or paraphrased. This document includes limited presentation by the Planning Commission and invited speakers in **summary** form.*

I. CALL TO ORDER

II. ROLL CALL

Members

- Francis Kung'u (Chair)
- Fergal Brady (Vice-Chair)
- Jamie Bendall (Voting Alternate)
- William Perkins
- Candy Waylock
- Martine Zurinskas
- John Goss
- Larry Attig (Absent)
- Jill Bernard (Absent Alternate)

Staff Present

- Kathi Cook, Director of Community Development
- Eric Graves, Senior Traffic Engineer
- Michael Woodman, Senior Planner
- Elicia Taylor Planning and Zoning Coordinator
- Kiersten Van Horn, Assistant City Clerk

III. APPROVAL OF MEETING MINUTES

a. Planning Commission Minutes 3.5.20

- ❖ Vice-Chair Brady offered a motion to approve
 - Commissioner Waylock seconded the motion
 - The motion was approved (7-0)

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

a. MP-20-01/V-20-05 The Providence Group/Notting Hill

Michael Woodman, Senior Planner, presented consideration of a master plan amendment and variance to allow 48 'For-Sale' townhome units on 3.27 acres in the Downtown. The property is currently approved for 42 'For-Sale' condominium units. A variance is requested to allow some front-loaded townhomes. The property is located at the southwest corner of Thompson Street and Park Street and is legally described as being located in Land Lot 749, 1st District, 2nd Section, Fulton County, Georgia.

There was discussion from the Board:

- Connectivity to Wellstar
- 5' landscape Strip

Applicant presented:

- Thompson St. Tract
- Parking
- Elevations
- Discussion of Condition # 11

Chairman Kung'u opened the floor for Public Comment

1. Samford Seidman 12153 Wexcroft Lane
2. Stephen Bogart 360 Banberry Crossing
3. Noelle Bogdanovich Rose Circle
4. Tony Ricco 365 Banberry Crossing
5. Gregory Lapum 375 Banberry Crossing
6. Gail La Fleche 395 Banberry Crossing

Concerns:

1. Driveway pad affects amount of parking
2. Traffic
3. On street parking
4. Amount of growth on Thompson St
5. Request no further variances on rezoning from residential on Thompson St.
6. Density
7. Width of the street
8. Safety on Thompson St.
 - Entrance should be across from Goswick
 - Obstructed view when turning left

Applicant gave a rebuttal:

- Road will be widened with sidewalk
- Substantial improvement
- On street parking is a calming measure
- Alignment of entrances

There was discussion from the Commission:

- Townhomes vs. Condominiums
- Sales price point of \$500's
- Target Buyers - "Move down" buyer, Late 20's professional, Single professional women
- HVAC Units
- Staff clarified that Thompson St. is a low volume road way, not near capacity
- No Bike lane
- Street Repair
- Criteria for On Street Parking
- No Public Safety Issues
- School Capacity
- Staff discussed Intent of Downtown Master Plan

- ❖ Vice-Chair Brady offered a motion to approve with an adjustment to Staff presented Conditions in #11 as presented with the inclusion of “ unless the delay in construction is outside the control of Developer, as determined by Staff” all other conditions supported by Staff should be included.
 - Commissioner Perkins seconded the motion
 - The motion was approved (6-1) (Bendall)

Approve MP-20-01/V-20-05 The Providence Group at Notting Hill/Old Milton Holdings, subject to the following conditions:

1. The site, consisting of approximately 3.27 acres, shall be developed substantially similar to plan prepared by Travis Pruitt & Associates, revised 3/10/2020, except for modifications required to comply with the conditions below. However, lot yield depicted is not guaranteed and subject to meeting all City code requirements and conditions of zoning. To the extent of any conflict between these conditions and prior Master Plan conditions, these conditions shall control.
2. Old Milton Holdings Master Plan residential density shall be limited to no more than 6.78 du/acre.
3. Building setbacks shall be 30' from existing right-of-way on Thompson St, 10' from existing right-of-way on Park St, 5' to the West and 10' to the South.
4. Thompson Street and Park Street shall be improved as follows: 30' half width right-of-way to incorporate 8' sidewalk (concrete with brick paver banding), 6' planting area, 8' on-street parking (Thompson Street) and 10' travel lane (any right-of-way dedication should not impact building setback; building setbacks shall be measured from existing right-of-way), as approved by Staff. A landscaped tree island shall be required every 3 on-street parking spaces and at the end of parking. Park Street streetscape shall be modified to include the Alpha Loop. Final streetscape shall match the approved streetscape standards and include decorative pedestrian lighting and street furniture, as approved by Staff.
5. Roadways with on-street parking shall incorporate curb extensions at intersections.
6. Open/green space shall be developed as depicted on the plan prepared by Travis Pruitt & Associates, revised 3/10/2020. Open space shall include a mix of trees, shrubs, and ground covers of varying heights, textures and colors, as approved by Staff.
7. 30' linear park along Thompson Street shall include decorative stone, brick or granite wall (with under ledge lighting) or columns with hedge between the linear park and townhomes. Linear park shall include landscape, hardscape, seating and public art, as approved by Staff.
8. Development shall not be gated.
9. Architecture and materials shall be substantially similar to submitted renderings, except for modifications required to comply with these conditions and Downtown Consultant comments, with final approval by DRB. Units 21-48 shall have 4-sided architecture and materials (brick or stone). Units 1-20 shall have 3-sided architecture and materials (brick or stone). Sides of units visible from Thompson Street shall have the same level of architecture and materials as the front.
10. HVAC equipment shall be screened from the public right-of-way.
11. Developer shall construct 8' concrete, accessible Alpha Loop trail along Park Street, with final alignment/design/materials approved by Staff and construction completed prior to the first CO, unless the delay in construction is outside the control of Developer, as determined by Staff. Alpha Loop shall be placed within the public right-of-way or a permanent easement. Minimum 6' planting strip shall be provided between Park Street and the Alpha Loop. Alpha Loop shall including

lighting (pedestrian and bollards), landscape and hardscape. Wayfinding signage shall be placed at a key location along the trail. Alpha Loop improvements, outside of required 6' concrete sidewalk, shall be eligible for impact fee credits, as approved by Staff.

12. Decorative walls and/or landscaping shall be used to screen alleys and driveways from Thompson Street at Unit 42, as approved by Staff.
13. Landscape strips along the south and west property lines shall include screening material and shall be expanded up to 10', where possible.
14. All buildings shall have connectivity to the public sidewalk system.
15. Pedestrian-scale lighting shall be provided throughout the development.
16. Fencing visible from the public right-of-way shall be decorative, as approved by Staff. Unfinished wood fences and decks shall not be visible from the street.
17. As agreed to by the developer, a minimum of 2 of the required trees shall be signature canopy trees, minimum 6" caliper at planting, and planted within the 30' linear park, as approved by Staff.
18. Corner of Thompson and Park Street shall be heavily landscaped, including a corner sculpture or other original art such as a mosaic wall, as approved by Staff.
19. Decorative paver apron shall be required at project entrance, as approved by Staff.
20. Landscape, hardscape, fences and walls shall compliment materials used within the Master Plan. A detailed landscape plan shall be required, subject to approval by Staff.
21. Developer shall provide an easement to allow for future interparcel connectivity to the west.
22. Streets less than 24' wide shall be marked "No Parking".
23. As agreed to by the developer, existing overhead utilities along Thompson Street shall be placed underground.
24. No more than 10% of units shall be permitted to be rented, as recorded in the HOA's declarations and covenants.

b. Z-20-04 Diamond Glass Kimball Bridge

Kathi Cook, Director of Community Development, presented consideration of a rezoning from AG (Agriculture) to O-P (Office-Professional) to allow a professional office for Diamond Glass. The property is located at 162 Kimball Bridge Road and is legally described as being located in Land Lots 800 & 805, 1st District, 2nd Section, Fulton County, Georgia.

Chairman Kung'u opened the floor to Public Comment

1. Richard Tyler, Owner of Diamond Glass
2. Pastor from church

There was discussion of:

- Traffic
- Grade Change
- Gravel Driveway
- Staff Recommended Conditions
- Applicant's response to Conditions

Applicant presented:

- St. James Church history
- Relocate Office to existing Church Structure

- Church will remain with Historic Marker
- Simple gravel parking lot
- Delivery Trucks stop in northbound lane of Kimball Bridge Rd causing a hazard.
- Add a gravel driveway
- Customers will meet Service Reps and park in this driveway
- No new traffic

❖ Commissioner Perkins offered a motion to approve with the following conditions

- Commissioner Zurinskis seconded the motion
- The motion the friendly amendment was approved (4-3) (Brady, Bendall, Goss)

❖ Commissioner Waylock offered a friendly amendment to Condition #10 added the word “gated” entrance and for Condition # 12 should read “Tree removal shall conform to current City Arborist standards”

- Commissioner Perkins accepted the friendly amendment

1. The property shall be zoned O-P (Office-Professional) and limited to a professional office within the existing structure and developed substantially as depicted on the site plan and in compliance with the conditions.
2. Developer shall perform maintenance on the existing structure, including but not limited to repair or replacement of fascia boards, roof (shingles), doors, exterior lighting, gutter and other deteriorating exterior materials. Modifications to the exterior of the structure, not including regular maintenance, shall require approval by the DRB.
3. SITE PLAN SHALL ACCOMMODATE FUTURE RIGHT-OF-WAY FOR KIMBALL BRIDGE ROAD IMPROVEMENTS INCLUSIVE OF EXHIBITS PROVIDED TO THE APPLICANT.
4. Developer shall install 12' AN 8' sidewalk along the frontage of the property. ~~If developer is agreeable and in exchange for impact fee credits, sidewalk shall be extended to the south to connect with the existing sidewalk in front of Braeden Subdivision.~~
5. Developer shall install the required 20' landscape strip along Kimball Bridge Road. Landscape strip may be reduced up to 5' in certain areas to accommodate the gravel parking lot. Shrubs required to screen the parking lot may overlap the landscape strip.
6. Foundation plantings shall be required around the perimeter of the building.
7. A sidewalk shall connect the building to the parking lot and the public sidewalk.
8. Existing gravel parking lot shall be permitted to remain on the property and may be reconfigured in order to accommodate additional right-of-way and the required landscape strip. Gravel shall be retained in the driveway and parking area with railroad ties or similar landscape edging. Parking lot shall not be reconfigured to be any closer to Kimball Bridge Road and shall not impact trees on the south end of the property, as approved by Staff. Parking spaces are not required to be striped.
9. Except for driveway and parking lot, gravel in the front yard shall be removed and ground outside of the required landscape strip shall be prepared for seed and straw or sod.
10. Curb cut shall be limited to a 30' driveway providing access to the existing gravel parking lot and the interparcel access driveway shown on the site plan shall be a one-way entrance and gated. ~~No additional curb cuts shall be permitted.~~
11. Diamond Glass Company commercial vehicles shall only be parked on the property located at 170 Kimball Bridge Road overnight.
12. Tree removal shall comply with the Arborist standards ~~be limited to dead, dying or diseased trees only.~~
13. The historical marker shall remain on the property.

There was discussion during the motion of Condition # 10.

Chairman Kung'u called a brief recess at 8:24 p.m.

Chairman Kung'u reconvened the meeting at 8:34 p.m.

c. CU-20-02/V-20-04/E-20-05 Village Park at Wills Phase 2

Michael Woodman, Senior Planner, presented consideration of a conditional use to allow 'Assisted Living Facility/Congregate Housing' for Phase 2 of the Village Park at Wills Senior Living Facility. A variance is requested to reduce the front building setback and an exception is requested to increase the building height. The property is located at 11940 Alpharetta Highway and is legally described as being located in Land Lot 600, 1st District, 2nd Section, Fulton County, Georgia.

Vice Chair Brady recused himself from this item as he is involved in the project.

There was discussion of :

- Date of Certificate of Occupancy
- Public Safety Calls
- 50' Buffer across back of property
- Revision to Condition # 15d.
- COVID 19 Implications to this model

Applicant presented

There was no Public Comment.

After discussion by the Commission:

- ❖ Commissioner Waylock offered a motion to approve with Applicant's requested change to 15d and all other Staff recommended conditions as listed

- Commissioner Zurinskis seconded the motion
- The motion was approved (6-0)

1. 'Congregate Housing, Assisted Living Facility' shall be a permitted use on the subject property. After January 1, 2022, 91 'Assisted Living Facility' units shall be permitted a Certificate of Occupancy.
2. The site shall be developed substantially similar to site plan prepared by Blue Landworks, revised 3/3/2020, except for modifications required to comply with the conditions below. Site plan shall accommodate GDOT improvements planned along Alpharetta Highway.
3. Buildings shall be substantially similar to the submitted renderings dated 2/9/2020, with final approval by DRB. Elevations shall be a minimum 40% brick or stone.
4. Overall building height shall be limited to no more than 47'.
5. Building setbacks shall be as depicted on the plan prepared by Blue Landworks, revised 3/3/2020.
6. Aerial bridge shall maintain a minimum clearance of 13'-6" to accommodate fire access.

7. Decorative pedestrian street lights shall be required along Alpharetta Highway. Lighting type, quantity and spacing, as approved by Staff.
8. Foundation plantings shall be required around all buildings, as approved by DRB.
9. Developer shall construct sidewalk along Alpharetta Highway, per GDOT improvement plans.
10. Street trees of proper size and location shall be required along internal driveways, as approved by DRB.
11. Minimum 20' landscape strip shall be provided along Alpharetta Highway outside of utility easements and shall not include patio areas, as approved by DRB.
12. Amenity areas shall be developed as depicted on the site plan prepared by Blue Landworks, revised 3/3/2020, and shall include improvements such as seating/gathering areas, hardscape and landscape.
13. Retaining walls visible from Alpharetta Highway shall be decorative and faced with brick or stone. Walls over 5' in height shall be tiered with landscape beds in between.
14. Generators and dumpsters, if located outside of buildings, shall be contained within an enclosure with materials that match buildings, as approved by DRB.
15. Developer shall comply with the following requirements of the City's Stormwater Engineer in order to abandon the existing stormwater management facility.
 - a. The outlet control structure and berm shall be removed and the conveyance shall be restored to a natural condition requiring little to no maintenance.
 - b. The inlet pipe from Village Park Phase I shall be repaired or replaced. Energy dissipation measures will be reviewed at time of LDP.
 - c. Eroded pond banks shall be stabilized and replanted with permanent vegetation.
 - d. In conformance with Section 3.3.3.C.4. of the Unified Development Code (UDC), the City of Alpharetta is aware of drainage concerns within the project's drainage basin. The City may require the project to be analyzed in the forested condition for the existing conditions analysis if it is determined that a downstream property is negatively impacted by the current conditions.
 - e. Developer shall consider at-surface BMPs for runoff reduction in their stormwater management plan.

Vice-Chair Brady returned to the meeting.

d. PH-20-04 Unified Development Code Text Amendments – Chickens

Kathi Cook, Director of Community Development, presented consideration of text amendments to the Unified Development Code related to Chickens in residential zoning districts.

There was no Public Comment.

After discussion:

- ❖ Commissioner Goss offered a motion to approve
 - Vice-Chair Brady seconded the motion
 - The motion was approved (7-0)

e. PH-20-03 Unified Development Code and Code of Ordinances Text Amendments –Floodplain Management, Commercial Car Wash Recycling, Private Decentralized Waste Water Systems

Michael Woodman, Senior Planner, presented consideration of text amendments to the Unified Development Code and Code of Ordinances

related to Floodplain Management, Commercial Car Wash Recycling requirements and Private Decentralized Waste Water System regulations

After discussion:

- ❖ Commissioner Zurinskis offered a motion to approve
 - Commissioner Perkins seconded the motion
 - The motion was approved (7-0)

DRAFT

- f. **PH-18-16 Unified Development Code Text Amendments – Historic Preservation Ordinance** Kathi Cook, Director of Community Development, presented consideration of text amendments to the Unified Development Code related to Historic Preservation regulations.

There was no Public Comment.

After discussion:

- ❖ Commissioner Bendall offered a motion to approve subject to staff recommendations with one addition to Sec 2.9.5E
 - Commissioner Perkins seconded the motion
 - The motion was approved (7-0)

- A. **Criteria for Designation of a Historic Property.** In order to be designated a historic property, the property must be an individual building, structure or parcel of land that meets the following criteria:
- a. Is of historic, cultural, aesthetic or architectural significance to the City, the region, the State, or the nation; or
 - b. Possesses historic integrity (in terms of its location, design, setting, materials, workmanship, feeling, and association) for all periods related to the significance of the property; and
 - c. Is deemed worthy of preservation (and the benefits available due to such status) by reason of value to the City, the region, the State, or the nation for one or more of the following reasons:
 - i. It is an outstanding example of a building representative of its era and over 75 years old;
 - ii. It is one of the few remaining examples of a past architectural style or type and over 75 years old; or
 - iii. It is a place associated with an event or person(s) of historic or cultural significance to the City, the region, the State, or the nation and over 75 years old.
- A. **Other Available Benefits and Incentives.** The following additional benefits and incentives are available to historic properties:
1. **Free Design Assistance from the HPC.** The HPC provides pre-application technical and design assistance regarding proposed preservation, restoration and/or rehabilitation work and its conformance with the U.S. Secretary of the Interior's Standards and Guidelines to owners of historic properties applying for a building permit or seeking to rezone historic property to the TDR-HC Overlay District.
 2. **Bronze Historic Property Plaque.** The City will install a bronze plaque on or within the public right-of-way adjacent to each property designated as historic by the City Council.

VII. **ADJOURNMENT**

Chairman Kung'u adjourned the meeting at 10:13 p.m.



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: CU-20-03/V-20-10 SPIRIT OF GOD CHURCH/1200 UPPER HEMBREE ROAD

PLANNING COMMISSION: AUGUST 6, 2020

CITY COUNCIL: AUGUST 24, 2020

II. RECOMMENDATION:

Approve CU-20-03/V-20-10 Spirit of God Church/1200 Upper Hembree Road, subject to the following conditions:

1. 'Church, Synagogue' shall be a permitted use at 1200 Upper Hembree Road and shall be limited to Spirit of God Church. The sanctuary, or assembly area, shall be limited to no more than 250 seats. Church-related services shall be limited to Sunday worship service, weekday Bible Study, administrative office and occasional church-related services such as, weddings, baptisms, funerals or similar services. Residential use of the building is prohibited. Occasional overnight stays in accordance with religious practices is permitted.
2. Property shall be developed substantially similar to plans by Rhodes Engineering Services, Inc., dated 7/8/2020, except for modifications required to comply with the conditions below.
3. Developer shall install minimum 6' planting strip with street trees, 6' sidewalk and curb and gutter along the property frontage on Upper Hembree Road and Harris Road. In addition, pedestrian lighting shall be provided at approximately 120' on center, as approved by Staff.
4. Building shall be limited to no more than 1 story, with mezzanine, over a basement and no more than 22,211 SF.
5. Building shall be primarily brick or stone on 3 sides with a gable roof and compatible with the residential character of the area, as approved by DRB.
6. Church building shall connect to the public sidewalk.
7. Corner of Harris Rd and Upper Hembree Rd shall have heavy decorative landscaping, as approved by DRB.
8. Required landscape strips shall be exclusive of overhead utilities and easements.
9. Dumpster enclosure shall be masonry to match the church with a metal opaque gate, as approved by DRB.
10. Retaining walls visible from the street shall be decorative, as approved by DRB. Retaining walls shall maintain a min. 5' setback from the undisturbed buffer and shall not impact trees within the buffer. Retaining walls visible from off-site shall exceed 6' in height.
11. On-site parking shall be limited to the two (2) parking areas depicted on the site plan prepared by Rhodes Engineering Services, Inc., dated 7/8/2020. Rear parking area shall be screened from Harris Road including supplementing with evergreens, if existing vegetation does not provide a screen, as approved by DRB.
12. Off-site parking agreement and shuttle/valet service shall be maintained with the operation of the church. A copy of the off-site parking agreement shall be provided to the City prior to a Certificate of Occupancy (CO).
13. There shall be no outside speakers or broadcasts, including music that is audible from outside the building or off the property.
14. A police officer shall be utilized for services in order to manage and direct traffic.
15. Tree save areas shall be as depicted on the plan prepared by Rhodes Engineering Services, Inc., dated 7/8/2020, except that there may be impacts to certain trees on the eastern side of the property related to stormwater improvements and a sanitary sewer connection. The applicant

shall work with Staff to layout those facilities with the least impact to desirable trees in the eastern tree save area, as approved by Staff.

16. Developer shall make every effort to tie into the existing storm drainage system on Harris Court. Proof of correspondence shall be provided to the City explaining to the affected property owner the benefits of tying release points directly into pipe systems. If unsuccessful, developer shall provide a stormwater outfall design that distributes stormwater into sheet flow discharge or makes every effort to conform to the existing condition flow patterns. Stormwater facilities shall not encroach upon the undisturbed buffer, except that a drainage easement may cross the buffer in order to tie into the system on Harris Court. Location of drainage easement shall minimize impacts to existing trees and shall be replanted where necessary, as approved by Staff. Outfalls, swales, and ditches shall be lined with river rock where visible to adjacent properties.

III. REPORT IN BRIEF:

The applicant, Pastor Randall Knighton, is requesting a conditional use to allow 'Church, Synagogue' on a 2.9-acre property zoned O-I (Office-Institutional). Spirit of God Church proposes to construct a new church building with a capacity of 250 seats. In order to save trees, a variance has been advertised to allow off-site parking served by shuttle or valet service approximately 700' from the applicant's property. The subject property is located at 1200 Upper Hembree Road at the northeast corner of Upper Hembree Road and Harris Road.

DISCUSSION

The submitted request, if approved, would allow a 'Church, Synagogue' for Spirit of God Church. A conditional use is requested to allow the church use and a variance was advertised to allow off-site parking within approximately 700' of the property. The applicant proposes a 1-story, 22,200 square foot church building accommodating a congregation of up to 250 people. The subject property is located at 1200 Upper Hembree Road at the northeast corner of Upper Hembree Road and Harris Road.

The 2.9-acre property is zoned O-I (Office-Institutional) and is currently developed with a single-family detached home. Surrounding properties are zoned R-10 (Dwelling, 'For-Sale', Residential) to the north, R-15 (Dwelling, 'For-Sale', Residential) to the west, PSC (Planned Shopping Center) to the south and O-P (Office-Professional) to the east. Creekside at Hembree Subdivision is located to the north, two (2) unplatted residential lots are located to the west, the former Harry's Market (Whole Foods) is located to the south, and Alpharetta Medical Center to the east.

Spirit of God Church formerly operated in Alpharetta at 1675 Hembree Road before moving temporarily to 1075 Holcomb Bridge Road, which is the Double Tree Hilton Hotel in Roswell. The church intends to provide one (1) service on Sundays at 10:00 AM and bible study on Thursdays at 7:00 PM. The building would also be used for the church's administrative offices.

The applicant's initial site plan included the required parking on the subject property. However, due to the number of quality trees on the property, Staff encouraged the applicant to save additional trees. The applicant's revised site plan provides additional trees saves, which resulted in the removal of fifteen (15) required parking spaces. The applicant was able to secure an off-site parking agreement to utilize up to 55 additional parking spaces at 1265 Upper Hembree Road (Atlanta Center for Dermatologic Diseases), which does not conduct business on Sundays. The City's Unified Development Code (UDC) allows off-site parking within 500', of which the applicant's off-site parking is approximately 700' from the property. Shuttle or valet service is proposed to accommodate the off-site parking area.

Staff prepared Table 1 below in order to compare the applicant's proposal to existing, similarly situated religious facilities in the City. The applicant's proposal appears to be consistent with City religious facilities located in residential areas as it relates to property size, occupancy and parking.

Table 1: Sample of Religious Facilities Located in Residential Areas				
Religious Facility	Property Size	Zoning	Building Square Footage	# of Parking Spaces
Applicant's Proposal – Spirit of God Church/Upper Hembree Rd	2.9 acres	O-I	250 seats Building 12,035 SF + 10,176 SF unfinished basement = 22,211 SF	110 spaces (on-site) + 55 spaces (off-site) = 165 spaces
Islamic Center of North Fulton/Rucker Rd	4.23 acres	AG	240 seats Building 7,900 SF	120 spaces
Sae Han Presbyterian Church/Kimball Bridge Rd	9.96 acres (7.2 acres buildable)	SU	600 seats Building 64,200 SF	300 spaces + off-site parking w/shuttle service
Church of God/Mid Broadwell Rd	3.52 acres	SU	276 seats Building 10,000 SF, 10,000 SF 2 nd story not currently built)	63 spaces
St. Thomas Aquinas/Rucker Rd	17 acres	AG	750 seats Building 49,609 SF	620 spaces
North Fulton Jewish Center/Kimball Bridge Rd	1.87 acres	R-12	250 seats Building 26,500 SF	61 spaces 112 spaces req'd, reduced for shared spaces
St. James United Methodist Webb Bridge Rd	14.9 acres incl. stream buffers/ 3.6 acres developed	O-I	720 seats Building 27,673 SF	369 spaces

SITE PLAN

The submitted site plan depicts a 1-story over basement church building with 110 parking spaces. The main level of the church is 12,035 square feet with a 10,176 square foot basement, for a total of 22,211 square feet at full built-out. 35 parking spaces are located at the front of the building with access from Upper Hembree Road and 75 spaces are located at the rear of the building with access from Harris Road. The primary assembly space of the church would accommodate a maximum of 250 seats.

For a church, the Unified Development Code (UDC) requires one (1) parking space for every two (2) seats in the principal assembly room. Based on a maximum seating capacity of 250 people, a total of 125 parking spaces are required. The applicant has an off-site parking agreement at 1265 Upper Hembree Road for an additional 55 parking spaces. According to the applicant, off-site parking will be used for overflow parking and will be accommodated by shuttle or valet service.

The required 10' landscape strips along Upper Hembree Road and Harris Road are depicted on the site plan. The landscape strip along Harris Road should include existing trees in order to

maintain the tree canopy along Harris Road. Where possible, the landscape strip should be supplemented with evergreen material to screen the rear parking lot from Harris Road. The required 50' undisturbed buffer is depicted along the north end of the property and adjacent to the Creekside at Hembree subdivision.

The property is heavily wooded, predominately hardwood forest with a canopy of Pines, Oaks, Hickory, Sweet Gum and Poplars, to name a few. The site plan depicts tree save areas on the north, east and west sides of the property, which include specimen trees, trees of quality and smaller tree groupings. The tree save area on the east side of the property will likely be impacted due to it being the low spot for stormwater, as well as a potential sanitary sewer connection. However, this tree save area includes several Poplars, which tend to be hazardous due to branch failures. If approved, it is recommended that the applicant work with Staff to layout stormwater facilities and sanitary sewer to have the least impact to desirable trees in the tree save area.

Previous site plans submitted by the applicant depicted a level spreader in the northeast corner of the property and within the 50' undisturbed buffer. Stormwater facilities are not permitted within an undisturbed buffer and a level spreader is not the preferred method of handling stormwater. If approved, the City's Stormwater Engineer recommends that the development make every effort to tie into the existing storm drainage system on Harris Court.

TRAFFIC

City Staff prepared trip generation information for the proposed 250-seat church, which estimates that the use would generate 81 trips during the Sunday peak hour.

CONDITIONAL USE REQUIREMENTS

City staff has reviewed the applicant's request and compared it to the conditional use standards established in UDC Section 4.2.3 (B) which are as follows:

A conditional use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria at a public hearing and satisfactory provisions or arrangements are made for.

1. Access into and out of the property with regard to traffic and pedestrian safety, volume of traffic flow, and emergency vehicles, as well as the type of street providing access;

Response: The proposed church is located on the corner of Upper Hembree Road and Harris Road with a curb cut on each road. The proposed use will not have a significant impact on vehicular and pedestrian access or on traffic flow. If approved, the developer of the church should construct minimum six-foot (6') sidewalks along Upper Hembree Road and Harris Road.

2. The extent to which refuse areas, loading and service areas, off street parking, and buffers and screening are provided on the property;

Response: The site plan adequately addresses the above-mentioned improvements, except that parking is proposed to be met on-site (110 spaces) and off-site (55 spaces). The applicant

has an off-site parking agreement at 1265 Upper Hembree Road, which would be supplemented with shuttle or valet service.

3. Ensuring that the conditional use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;

Response: The conditional use should not be injurious to the use and enjoyment of other properties in the immediate vicinity. All development regulations have been met, except that 15 required parking spaces would be met off-site per parking agreement at 1265 Upper Hembree Road. The off-site parking agreement would provide access to an additional 40 parking spaces above the UDC parking requirement for a church.

4. Ensuring that the conditional use will not increase local or state expenditures in relation to the cost of servicing or maintaining neighboring properties;

Response: Not applicable.

5. Ensuring that the conditional use will not impede the normal and orderly development of surrounding property for uses predominant in the area; and

Response: The proposed church is compatible with the residential character of the area and should not impede the development of surrounding properties.

6. Ensuring that the location and character of the conditional use is considered to be consistent with a desirable pattern of development for the city, in general.

Response: The proposed church is compatible with the residential character of the area. The capacity of the church, size of the property and parking are consistent with other churches in the City that are similarly situated in residential areas.

VARIANCE REVIEW CRITERIA

The City of Alpharetta Unified Development Code Article IV, Section 4.5.3 outlines the criteria set forth for granting a variance. The ordinance specifically states..."a variance may be granted upon a finding that":

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; or

Response: Development of the subject property is limited due to topography and tree coverage. The applicant's initial site plan provided the required on-site parking. However, Staff encouraged the applicant to revise the plan in order to accommodate more tree saves. The off-site parking is located at 1265 Upper Hembree Road, which is approximately 700' from the subject property. The City's Unified Development Code (UDC) allows off-site parking within 500'.

- (2) The application of the Ordinance to this particular piece of property would create an unnecessary hardship; or

Response: The applicant could meet the required parking on the subject property, as evidenced by the initial site plan. However, Staff believes the existing tree canopy should be protected. The applicant proposes that the parking shortfall of 15 parking spaces be addressed with an off-site parking agreement at 1265 Upper Hembree Road, which is approximately 700' from the property and provides access to 55 parking spaces with shuttle or valet service.

(3) There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned; or

Response: Development of the subject property is limited due to topography and tree coverage. The UDC allows off-site parking within 500'; whereas, the applicant proposes to make up the balance of 15 parking spaces with an off-site parking agreement at 1265 Upper Hembree Road and located within 700' of the property.

(4) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the City of Alpharetta ordinances.

Response: Approval of the variance should not cause substantial detriment to the public good, if conditions are approved requiring an off-site parking agreement for the additional parking spaces, as well as shuttle or valet service. The applicant could meet the required parking on-site. However, Staff believes the existing tree canopy should be protected.

CONCURRENCES

City Staff has reviewed the applicant's proposal and finds that the conditional use and variance do not conflict with the established criteria. The proposed church would have little impact during peak hours for traffic and the proposed size of the church in relation to the size of the property and parking are consistent with religious facilities in the City that are similarly situated in residential areas. The variance to allow off-site parking within 700' of the property is related to protecting the existing tree canopy. If approved, conditions are recommended limiting the capacity of the church to no more than 250 seats, requiring an off-site parking agreement and tree saves.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that no comments were received.

COMMUNITY ZONING INFORMATION MEETING

The CZIM was held on July 8, 2020. There were a few questions and comments from the public regarding the undisturbed buffer, tree removal and church operations.

IV. ATTACHMENTS:

- Site Plan

Applicant's Markup of Conditions:

Approve CU-20-03/V-20-10 Spirit of God Church/1200 Upper Hembree Road, subject to the following conditions:

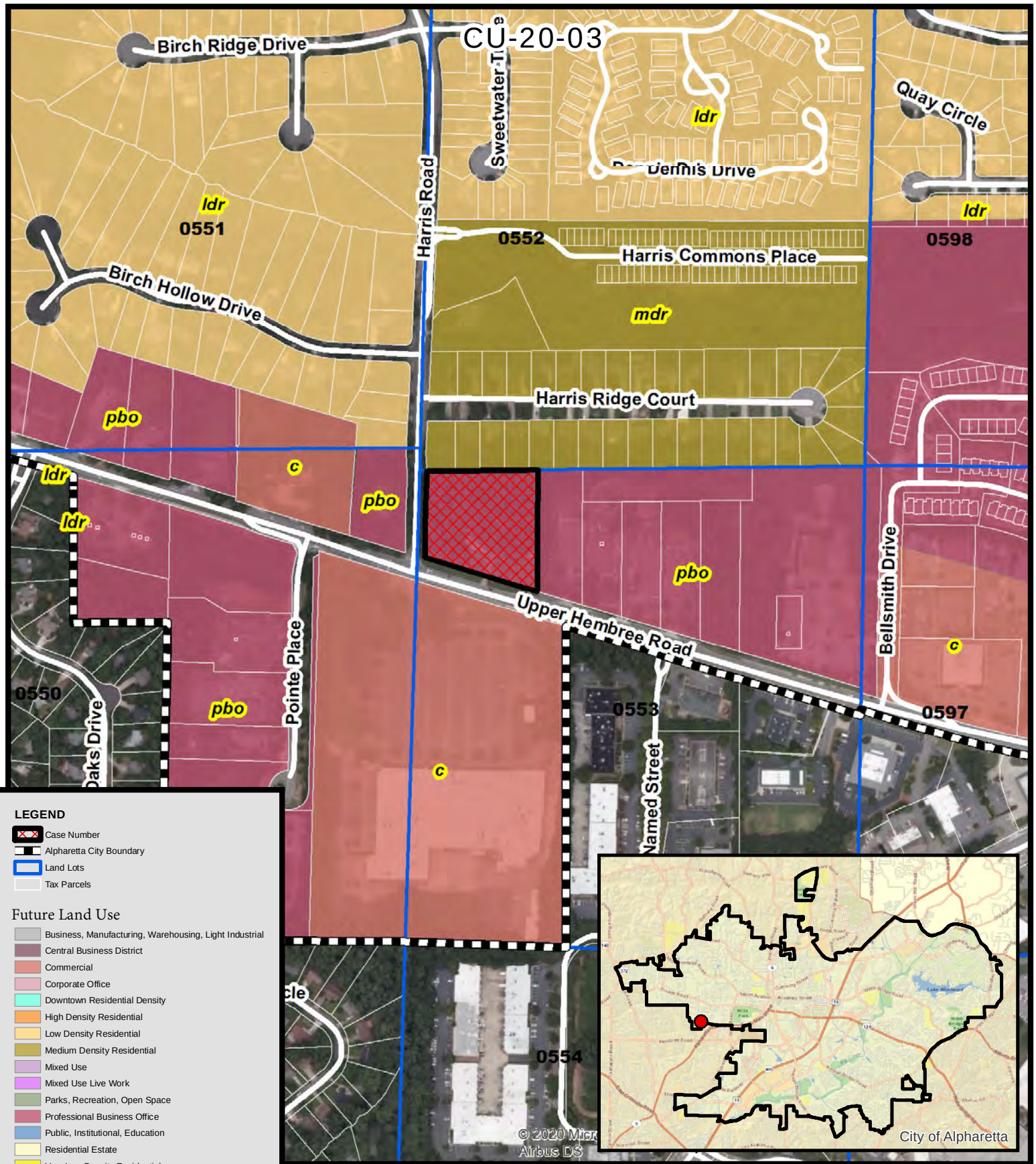
5. Building shall be primarily brick, stone, stucco or material consistent and/or compatible with the character of the area on 3 sides with a ~~gable~~ roof ~~and that is also consistent and/or~~ compatible with the ~~residential~~ character of the area, as approved by DRB.
15. Tree save areas shall be as depicted on the plan prepared by Rhodes Engineering Services, Inc., dated 7/8/2020, except that there may be impacts to certain trees on the eastern side of the property related to stormwater improvements and a sanitary sewer connection. The applicant shall work with Staff to layout those facilities with the least impact to desirable trees in the eastern tree save area, as approved by Staff. The applicant requests to connect the two parking lots on the proposed plan to alleviate some traffic on Harris and Upper Hembree Roads during the time of use, as approved by staff.



Aerial Map
 Spirit of God Church
 1200 Upper Hembree Rd

CU-20-03
 D/LL: 1/2/553
 PC: 8/6/20
 CC: 8/24/20

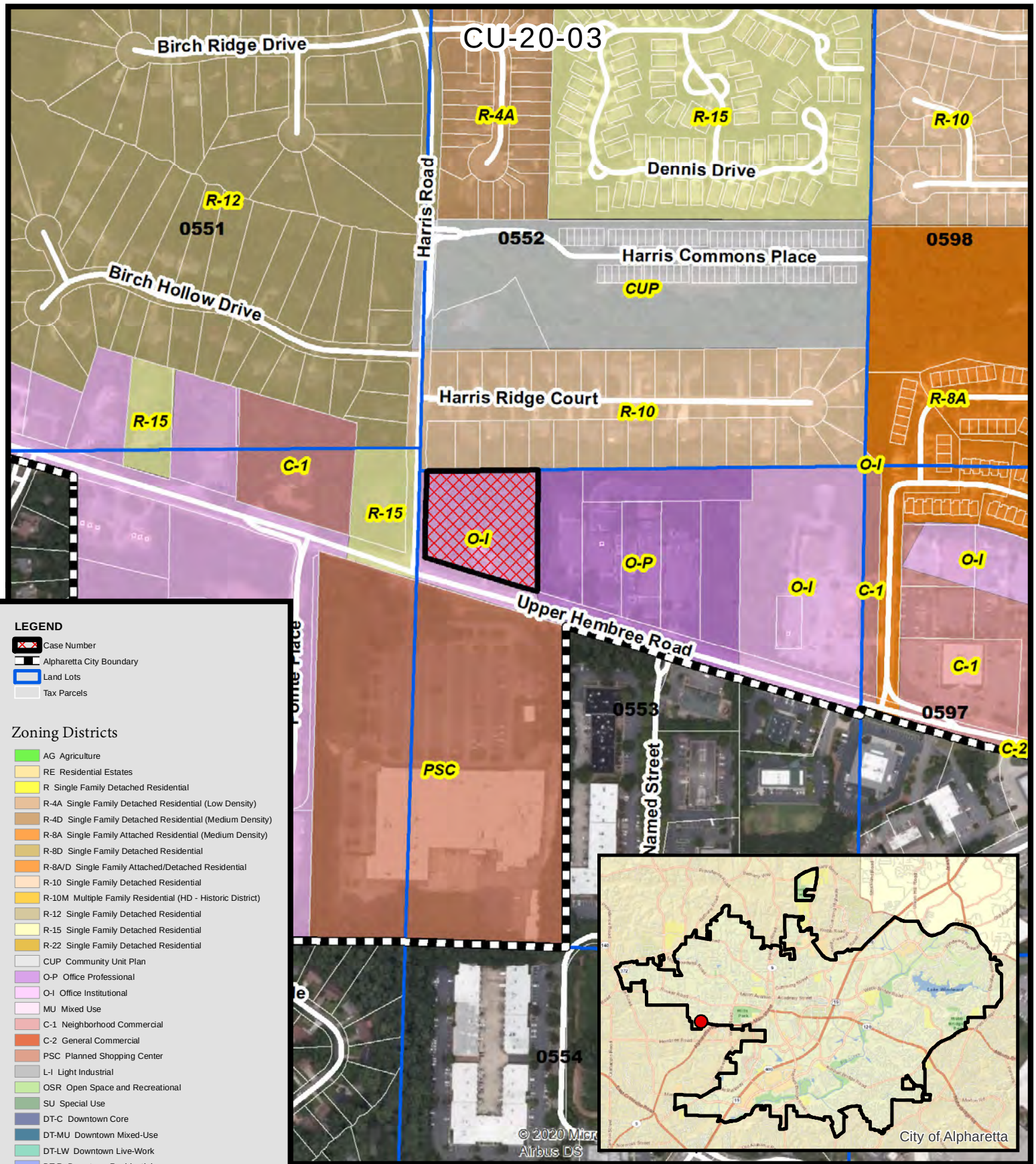
Location Map Provided by:
 Community Development - GIS



Future Land Use Spirit of God Church 1200 Upper Hembree Rd

CU-20-03
 D/LL: 1/2/553
 PC: 8/06/20
 CC: 8/24/20

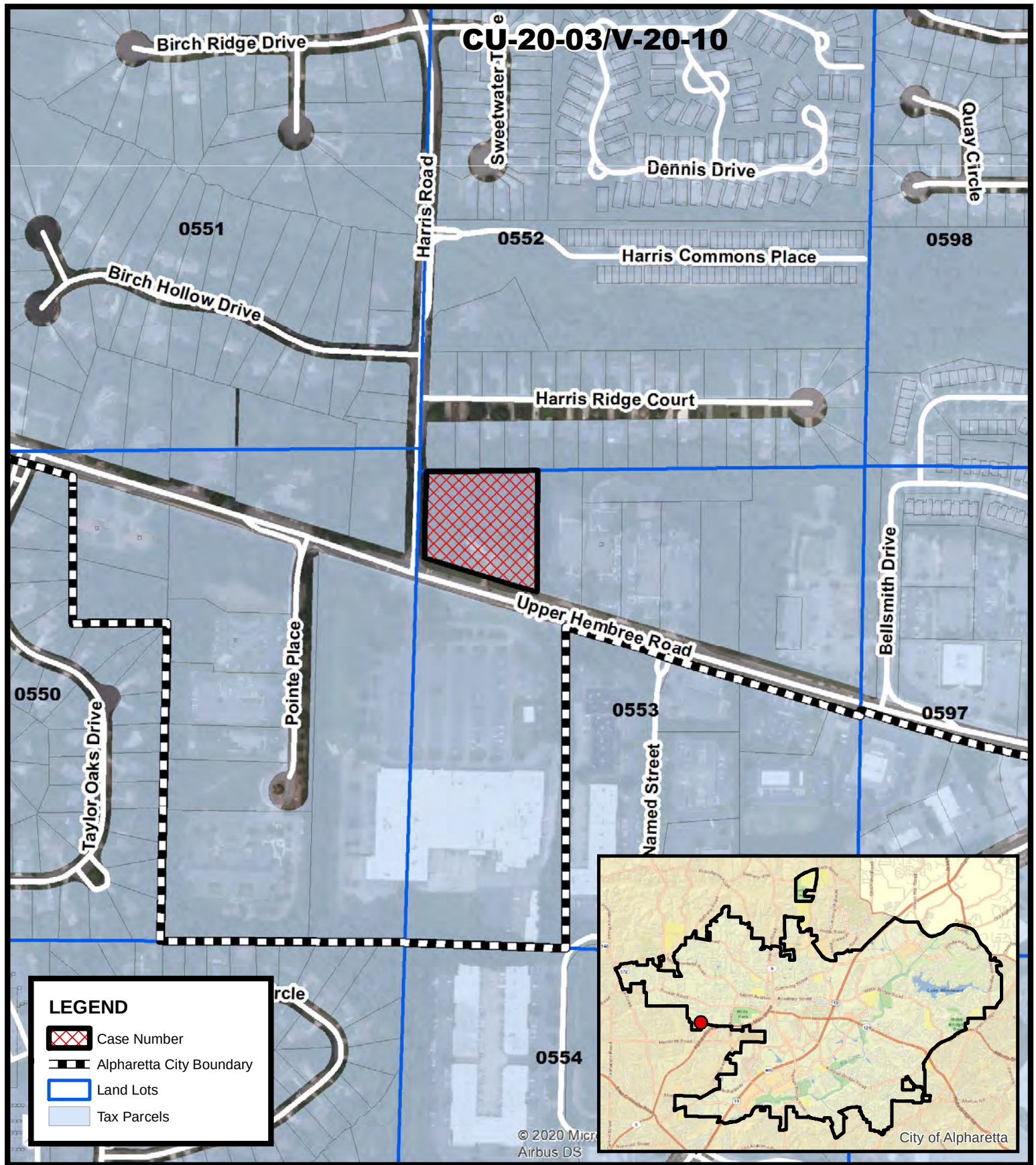
Location Map Provided by:
 Community Development - GIS



Zoning Map
Spirit of God Church
1200 Upper Hembree Rd

CU-20-03
D/LL: 1/2/553
PC: 8/06/20
CC: 8/24/20

Location Map Provided by:
Community Development - GIS



Location Map
Spirit of God Church
1200 Upper Hembree Rd

CU-20-03/
V-20-10

D/LL:

1/2/553 PC:

8/06/20 CC:

8/24/20

Location Map Provided by:
 Community Development - GIS

From: [Woodman, Michael](#)
To: [Taylor, Elicia](#)
Subject: Fwd: Upper Hembree New Church
Date: Friday, July 31, 2020 4:19:32 PM

Please add to the Spirit of God file and upload to PC agenda. Thank you.

Sent from my iPad

Begin forwarded message:

From: lzmail [REDACTED]
Date: July 31, 2020 at 4:12:44 PM EDT
To: "Woodman, Michael" <mwoodman@alpharetta.ga.us>
Subject: Upper Hembree New Church
Reply-To: lzmail [REDACTED]

Mr. Woodman,

I am a neighbor from within walking distance from the proposed church.

I am appalled at the suggestion that you intend to approve this building:

- 1) An entrance on Harris Rd is not feasible, as it will cause required and sudden stops from traffic turning from upper hembree to harris road. A very dangerous proposition!
- 2) The Church suggests to have Police help when they have services. What Police? With the impending calls for Police defunding we need every available policeman to be available for protection, not traffic control. So no! Not a great idea either.
- 3). Every Church built in Rucker Rd is already a nuisance for traffic. It would be best if this new Church found a location close to a larger road, not a family neighborhood!!
- 4) Finally, these churches create traffic and nuisance but they don't pay taxes into the community. Therefore they are NOT a contributing addition to the community.

I am not in favor of approval.

Please revise your intent to approve. Thank you, I am very grateful for your hard work in sharing the information.

Georgina Zambrana
8550 Birch Hollow Dr

Sent from ProtonMail Mobile

CZIM Comments (Leave you name, email, and comment)

Grant Duffy4200 Harris Ridge Ct. Roswell GA 30076My main concern is if church gets approved a year of construction directly behind my house could be really loud for me to work from home.

Great meeting about the church that wants to go on Upper Hembree Rd! Very good information and wonderful people that want to put their church there! Certainly hope that the city of Alpharetta will approve this zoning! Judy Miller

Elaine Russelle [REDACTED] Only concern is a diseased tree on back of property that needs to be taken down. It is dropping limbs on my fence and yard. Would like confirmation that it is a tree marked for removal.



CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: CZIM for Condition Use Permit Case # CV-20-03 God Church ^{spirit of}
Contact Name: Randall Knighton Telephone: 404-234-2147

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

No Responses.

Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.*

- | | |
|--|---|
| ☒ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other (Please Specify) _____ |

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.

Signature of Authorized Agent: _____

Date: _____

7-6-2020

Print Form



June 15, 2020

Dear Property Owner,

We have filed a Public Hearing Application with the City of Alpharetta for consideration of a conditional use to allow a 'Church, Synagogue' on a property zoned O-I (Office-Institutional). The property is located at 1200 Upper Hembree Road and is legally described as being located on Land Lot 553, 1st District, 2nd Section, Fulton County, Georgia.

The Case # is **CU-20-03 Spirit of God Christian Church**

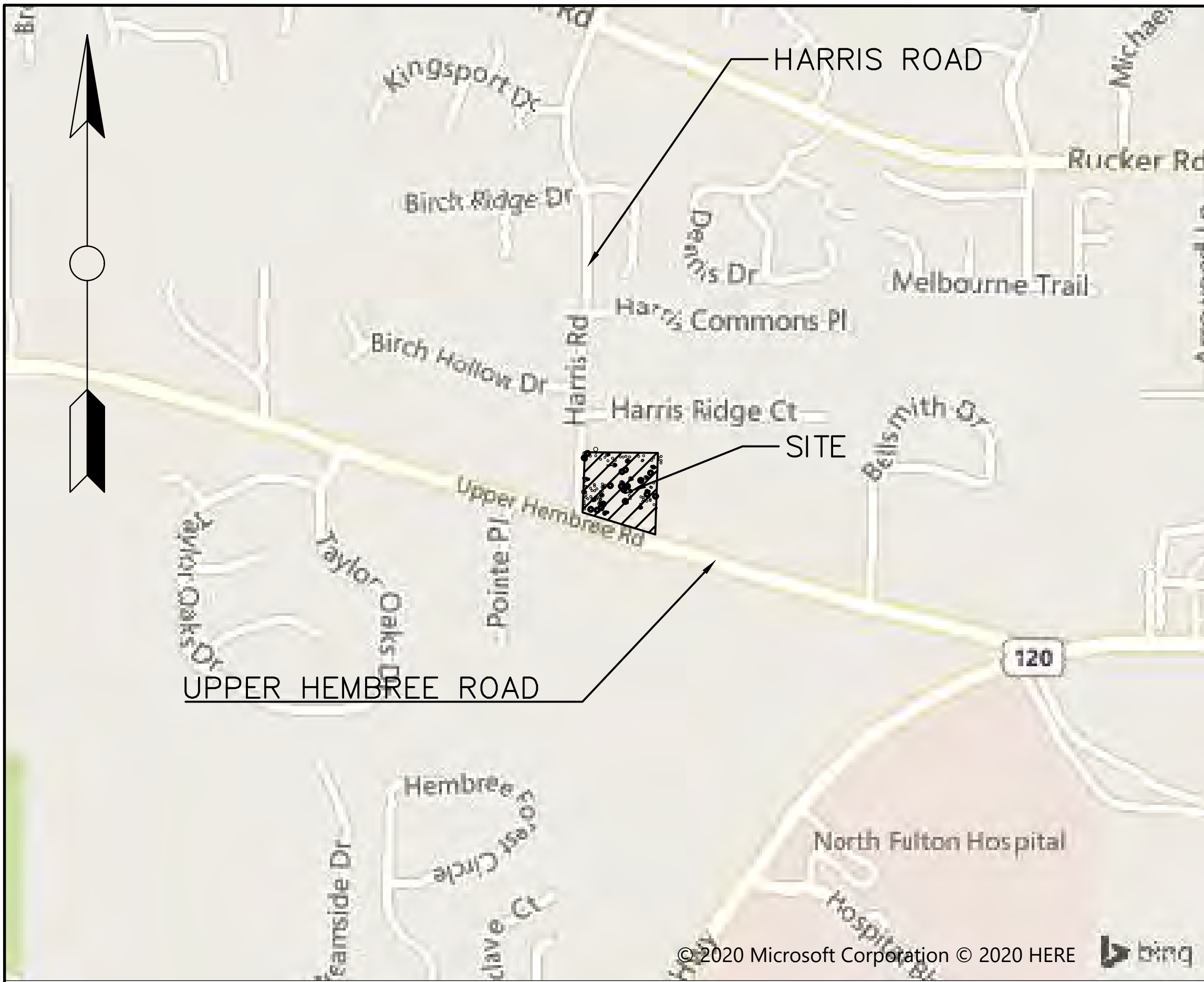
The Community Zoning Information for this item will be held on Wednesday, July 8, 2020 in the Community Room at City Hall from 6:00 p.m. to 7:00 p.m. This is a drop-in style, informal format to allow citizens to meet with the Applicant and view the Application.

This item will be considered by the Planning Commission on Thursday, August 8, 2020. Items forwarded to the City Council will be considered on Monday, August 24, 2020 in Council Chambers at City Hall at 6:30 p.m.

If you have any questions, please reach out to us at rknighton@spiritofgodcc.org.

Sincerely,

Pastor Randall G. Knighton, M.Div.



NOTES:

TOPOGRAPHIC AND RETRACEMENT SURVEY: PREPARED BY LAND PROSURVEYING AND MAPPING, DATED 11-07-2016.

FLOOD HAZARD NOTE: NO PORTION OF THIS PROPERTY IS CONTAINED WITHIN THE LIMITS OF A FLOOD HAZARD ZONE AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FRIM INSURANCE RATE MAP OF FULTON COUNTY, GA. (COMMUNITY PANEL NO.13121C0054F), REVISED SEPTEMBER 18, 2013.

OFFICE - INSTITUTIONAL DISTRICT REQUIREMENTS

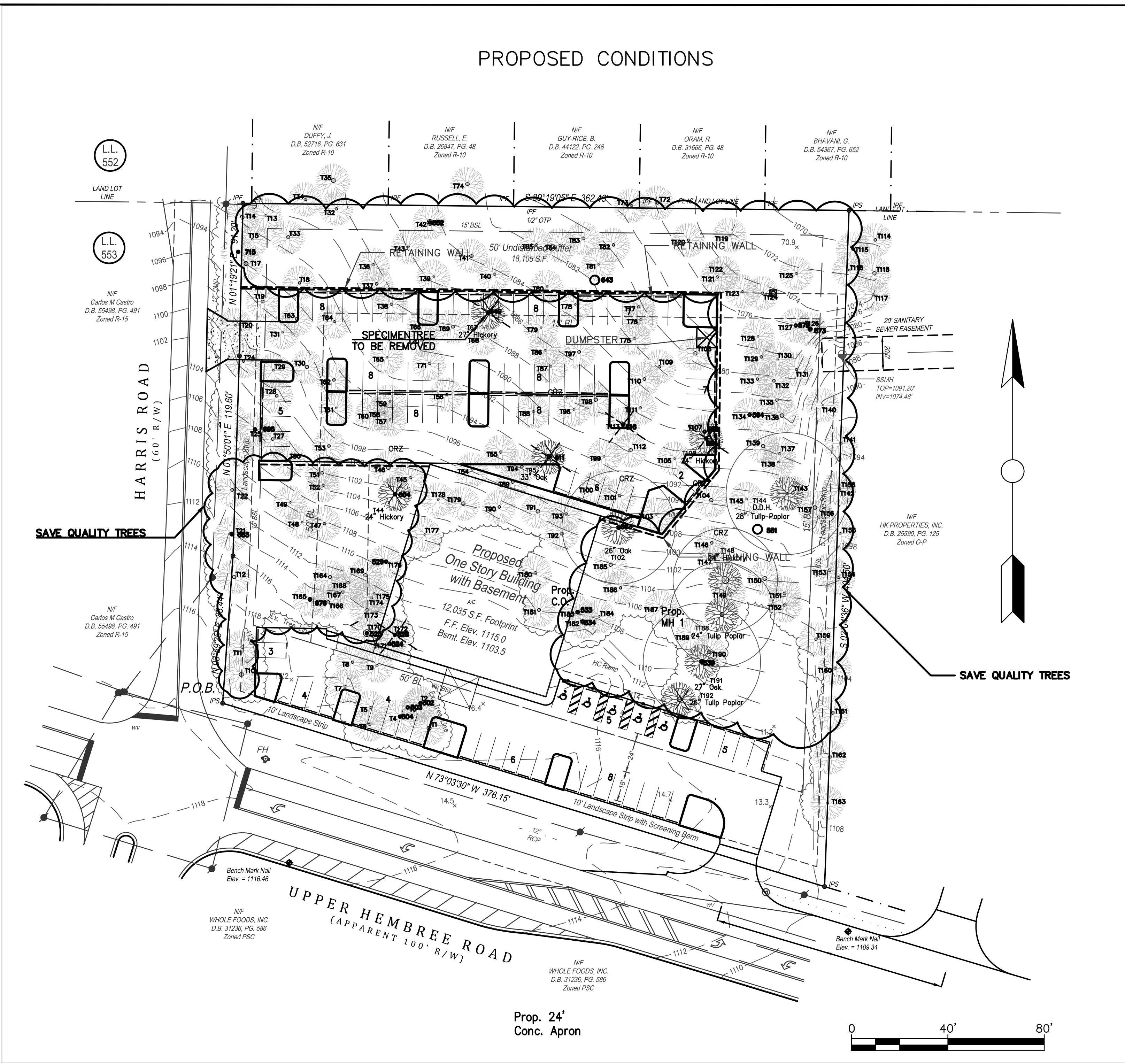
MIN. LOT AREA	NONE
MIN. LOT WIDTH	NONE
MIN FRONT YARD	50'
MIN SIDE YARD	15'
MIN. REAR YARD	15'
MAX. BLDG LOT COVERAGE	40%
MAX. BLDG HEIGHT	40'
MIN. OPEN SPACE	10%

STATE WATERS STATEMENT

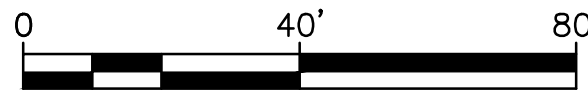
THE TOPOGRAPHIC AND RETRACEMENT SURVEY AS REFERENCED DOES NOT SHOW STATE WATERS ON THIS PROPERTY.

THERE ARE NO WETLANDS ON THIS PROPERTY.

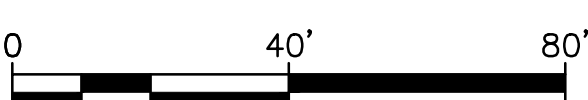
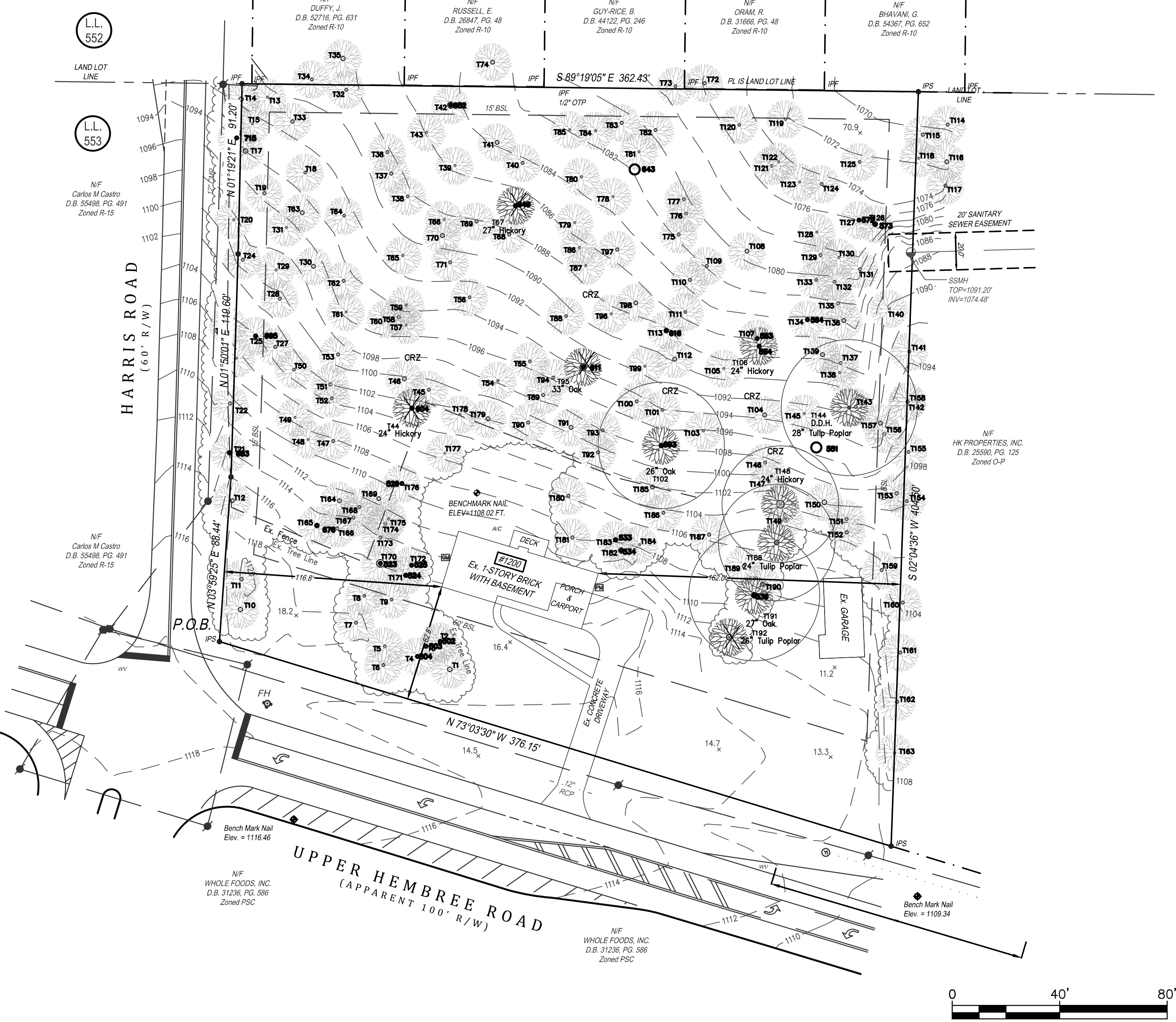
LATEST SITE PLAN



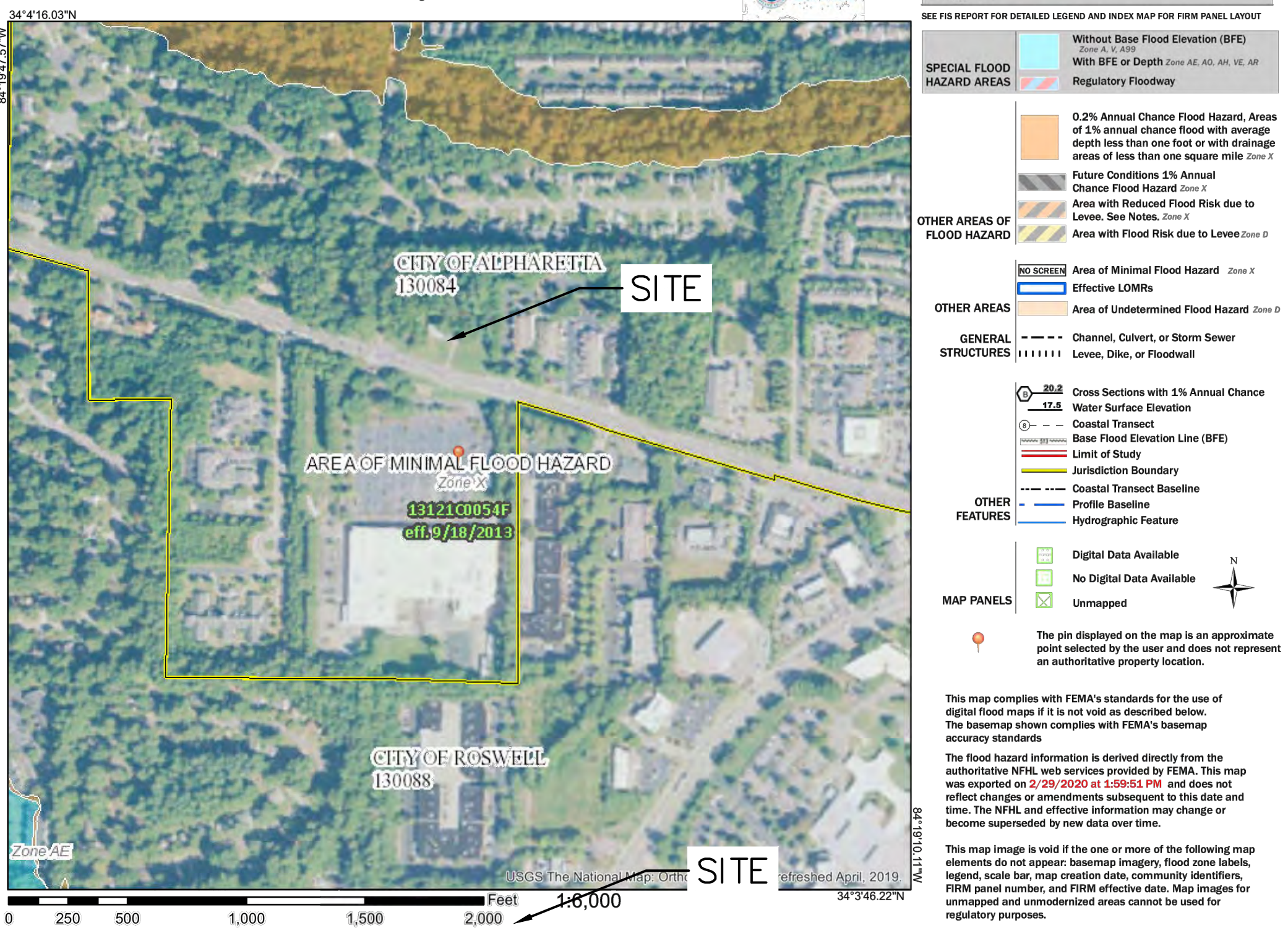
Prop. 24'
Conc. Apron



EXISTING CONDITIONS



National Flood Hazard Layer FIRMette



PROPOSED SURFACES	SF	ACRES	AREA
TOTAL SITE	127290	2.92	100.00%
PROPOSED BUILDING	12035	0.28	9.45%
PAVEMENT	42200	0.97	33.15%
SIDEWALKS	2620	0.06	2.06%
ISLANDS	5392	0.06	4.24%
PERIMETER LANDSCAPE STRIP	26176	0.60	20.56%
UNDISTURBED BUFFER	18105	0.42	14.22%

EXISTING SURFACES	SF	ACRES	AREA
EXISTING STRUCTURES	3536	0.08	2.78%
FOOTPRINT			

PARCEL INFORMATION:

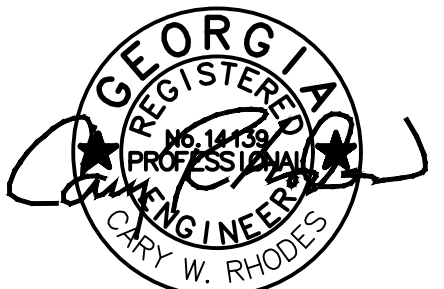
PIN: 12-223005530855
Zoning: 0-1 (Office - Institutional)
Owner: George & Martha Irvin
Address: 1200 Upper Hembree Road
Roswell, Georgia 30076

PROPOSED DEVELOPER: SPIRIT OF GOD CHRISTIAN CHURCH

PROJECT INFORMATION:

SITE AREA: 2.922 ACRES {127,290 S.F.)
DISTURBED AREA: 1.47± ACRE-S

THERE ARE SPECIMEN TREES WITHIN THE PROPOSED LIMITS OF DISTURBANCE.



RHODES ENGINEERING SERVICES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
645 HENDERSON DRIVE, SUITE 2
CARTERSVILLE, GEORGIA 30120
PHONE: 770-386-7616 FAX: 770-386-7617

REVISIONS:

NO. DATE: DESCRIPTION:
X XXXXXX

SPIRIT OF GOD CHRISTIAN CHURCH
2ND DISTRICT
LOCATED IN LAND LOT 553
FULTON COUNTY, GEORGIA
CONCEPT PLAN

DESIGN: GWP
DRAWN: ACAD/PA
CHECKED: CWR
JOB NO: 20110
DATE: 07/08/20

TREE TAG #	DBH	SPECIES	CONDITION
501	28	Loblolly Pine	GOOD
502	20	Loblolly Pine	GOOD
503	10	Flowering Dogwood	GOOD
504	21	Loblolly Pine	GOOD
505	10	Water Oak	GOOD
506	14	Loblolly Pine	GOOD
507	19	Shortleaf Pine	GOOD
508	17	Loblolly Pine	DDH
509	14	Loblolly Pine	FAIR
510	14	Loblolly Pine	DDH
511	9	Loblolly Pine	DDH
512	24	Loblolly Pine	FAIR
513	21	Loblolly Pine	GOOD
514	7	Water Oak	GOOD
515	7	Water Oak	FAIR
516	10	Northern Red Oak	GOOD
517	17	Loblolly Pine	GOOD
518	10	Shortleaf Pine	FAIR
519	7	Shortleaf Pine	GOOD
520	7	Shortleaf Pine	FAIR
521	8	Sweetgum	GOOD
522	9	Shortleaf Pine	GOOD
523	30	Northern Red Oak	FAIR
524	23	Southern Red Oak	FAIR
525	38	Pignut Hickory	DDH
526	14	Post Oak	GOOD
527	14	Pignut Hickory	GOOD
528	10	White Oak	FAIR
529	17	Sourwood	DDH
530	9	Persimmon	GOOD
531	16	Post Oak	GOOD
532	17	Post Oak	GOOD
533	26	Tulip Poplar	GOOD
534	28	White Oak	GOOD
535	14	Pignut Hickory	GOOD
536	19	Pignut Hickory	DDH
537	15	White Oak	GOOD
538	21	White Oak	GOOD
539	27	White Oak	GOOD
540	27	Tulip Poplar	GOOD
541	26	Tulip Poplar	GOOD
542	9	White Oak	GOOD
543	22	Pignut Hickory	FAIR

544	7	Pignut Hickory	GOOD
545	18	White Oak	GOOD
546	18	White Oak	FAIR
547	19	Tulip Poplar	GOOD
548	8	Tulip Poplar	GOOD
549	8	Red Mulberry	DDH
550	9	Red Mulberry	GOOD
551	30	Tulip Poplar	DDH
552	19	Pignut Hickory	DDH
553	20	Pignut Hickory	GOOD
554	8	Tulip Poplar	DDH
555	14	Tulip Poplar	GOOD
556	12	Tulip Poplar	GOOD
557	10	Tulip Poplar	GOOD
558	8	Tulip Poplar	GOOD
559	22	Tulip Poplar	GOOD
560	19	Tulip Poplar	GOOD
561	9	Tulip Poplar	GOOD
562	10	Tulip Poplar	GOOD
563	22	Tulip Poplar	GOOD
564	24	Pignut Hickory	GOOD
565	14	Tulip Poplar	GOOD
566	11	Tulip Poplar	GOOD
567	13	Tulip Poplar	DDH
568	13	Tulip Poplar	FAIR
569	8	Tulip Poplar	GOOD
570	16	Pignut Hickory	FAIR
571	15	Tulip Poplar	FAIR
572	18	Pignut Hickory	GOOD
573	27	Pignut Hickory	GOOD
574	17	Tulip Poplar	GOOD
575	23	Southern Red Oak	GOOD
576	13	Pignut Hickory	GOOD
577	17	Pignut Hickory	GOOD
578	9	Persimmon	FAIR
579	14	Tulip Poplar	GOOD
580	7	Sweetgum	GOOD
581	19	Tulip Poplar	GOOD
582	11	Tulip Poplar	GOOD
583	11	Pignut Hickory	DDH
584	24	Pignut Hickory	GOOD
585	11	Tulip Poplar	DDH
586	6	Tulip Poplar	GOOD
587	10	Tulip Poplar	FAIR

588	20	Pignut Hickory	GOOD
589	11	Tulip Poplar	FAIR
590	16	Pignut Hickory	FAIR
591	12	Northern Red Oak	GOOD
592	23	Pignut Hickory	GOOD
593	27	Southern Red Oak	GOOD
594	13	Pignut Hickory	GOOD
595	15	Tulip Poplar	DDH
596	14	Tulip Poplar	DDH
597	8	Tulip Poplar	DDH
598	22	Tulip Poplar	GOOD
599	9	Tulip Poplar	FAIR
600	14	Tulip Poplar	FAIR
601	23	Pignut Hickory	FAIR
602	11	White Oak	DDH
603	11	Tulip Poplar	GOOD
604	24	Pignut Hickory	GOOD
605	21	White Oak	GOOD
606	19	Pignut Hickory	GOOD
607	13	Tulip Poplar	GOOD
608	15	White Oak	GOOD
609	12	Pignut Hickory	GOOD
610	15	Tulip Poplar	GOOD
611	33	Pignut Hickory	GOOD
612	12	Tulip Poplar	DDH
613	12	Tulip Poplar	GOOD
614	10	Tulip Poplar	GOOD
615	19	Pignut Hickory	GOOD
616	25	Pignut Hickory	GOOD
617	9	Pignut Hickory	GOOD
618	20	Pignut Hickory	FAIR
619	9	Pignut Hickory	GOOD
620	7	Tulip Poplar	GOOD
621	12	Pignut Hickory	GOOD
622	6	Tulip Poplar	GOOD
623	9	Tulip Poplar	GOOD
624	10	Pignut Hickory	DDH
625	13	Pignut Hickory	GOOD
626	10	Pignut Hickory	GOOD
627	18	Pignut Hickory	DDH
628	16	Pignut Hickory	GOOD
629	15	Pignut Hickory	GOOD
630	20	Tulip Poplar	GOOD
631	14	Tulip Poplar	GOOD

632	14	Tulip Poplar	GOOD
633	14	Tulip Poplar	GOOD
634	13	Tulip Poplar	GOOD
635	7	Tulip Poplar	GOOD
636	15	Tulip Poplar	GOOD
637	14	Tulip Poplar	GOOD
638	9	Tulip Poplar	GOOD
639	13	Northern Red Oak	GOOD
640	11	Black Cherry	FAIR
641	16	Pignut Hickory	FAIR
642	11	White Oak	GOOD
643	8	Pignut Hickory	GOOD
644	15	Pignut Hickory	GOOD
645	11	Pignut Hickory	GOOD
646	8	Pignut Hickory	FAIR
647	10	Pignut Hickory	GOOD
648	16	Pignut Hickory	GOOD
649	28	Pignut Hickory	GOOD
650	17	Pignut Hickory	GOOD
651	20	Pignut Hickory	GOOD
652	35	White Oak	GOOD
653	11	Pignut Hickory	GOOD
654	11	Pignut Hickory	GOOD
655	15	Pignut Hickory	GOOD
656	19	Pignut Hickory	GOOD
657	13	Pignut Hickory	GOOD
658	16	Pignut Hickory	GOOD
659	13	Pignut Hickory	GOOD
660	10	Tulip Poplar	GOOD
661	21	Pignut Hickory	GOOD
662	18	Pignut Hickory	GOOD
663	15	Pignut Hickory	GOOD
664	10	Tulip Poplar	GOOD
665	13	Pignut Hickory	GOOD
666	8	White Oak	GOOD
667	19	Pignut Hickory	GOOD
668	11	Pignut Hickory	GOOD
669	8	Tulip Poplar	GOOD
670	8	Tulip Poplar	GOOD
671	18	Pignut Hickory	GOOD
672	22	Southern Red Oak	FAIR
673	15	Tulip Poplar	GOOD
674	9	Tulip Poplar	DDH
675	17	Tulip Poplar	GOOD

676	12	White Oak	GOOD
677	31	Tulip Poplar	FAIR
678	13	Tulip Poplar	GOOD
679	8	Black Cherry	GOOD
680	13	White Oak	GOOD
681	25	Tulip Poplar	GOOD
682	18	Tulip Poplar	GOOD
683	27	White Oak	GOOD
684	19	Northern Red Oak	GOOD
685	6	Black Cherry	GOOD
686	10	Tulip Poplar	GOOD
687	9	Tulip Poplar	GOOD
688	17	Pignut Hickory	GOOD
689	7	Tulip Poplar	GOOD
690	13	Tulip Poplar	GOOD
691	17	Tulip Poplar	GOOD
692	15	Pignut Hickory	GOOD
693	13	Pignut Hickory	GOOD
694	17	Pignut Hickory	GOOD
695	25	White Oak	FAIR
696	12	Pignut Hickory	GOOD
697	12	Tulip Poplar	GOOD
698	7	Pignut Hickory	FAIR
699	17	Pignut Hickory	GOOD
700	9	Tulip Poplar	GOOD
701	11	Tulip Poplar	GOOD
702	15	Pignut Hickory	GOOD
703	20	Pignut Hickory	GOOD
704	11	Pignut Hickory	FAIR
705	13	Pignut Hickory	FAIR
706	9	Tulip Poplar	FAIR
707	10	Black Cherry	GOOD
708	10	Pignut Hickory	GOOD
709	23	Pignut Hickory	GOOD
710	16	Pignut Hickory	GOOD
711	6	Pignut Hickory	GOOD
712	14	Pignut Hickory	GOOD
713	17	Pignut Hickory	FAIR
714	25	Pignut Hickory	GOOD
715	13	Tulip Poplar	DDH
716	10	Pignut Hickory	GOOD
717	24	Pignut Hickory	FAIR
718	13	Northern Red Oak	DDH
719	20	Pignut Hickory	GOOD

720	10	Pignut Hickory	GOOD
721	16	Pignut Hickory	GOOD
722	22	Willow Oak	GOOD
723	13	Willow Oak	GOOD
724	23	Willow Oak	GOOD
725	18	Willow Oak	GOOD
726	17	Willow Oak	GOOD
727	16	Willow Oak	GOOD
728	16	Black Cherry	FAIR
729	19	Willow Oak	GOOD
730	16	Willow Oak	GOOD
731	16	Willow Oak	GOOD
732	19	Willow Oak	GOOD
733	10	Nuttall Oak	FAIR
734	15	Red Maple	GOOD
735	~20	Tulip Poplar	GOOD
736	~23	Tulip Poplar	GOOD
737	~21	Tulip Poplar	GOOD
738	~17	Tulip Poplar	GOOD
739	~14	Tulip Poplar	GOOD
740	~20	Tulip Poplar	GOOD
741	~12	White Oak	GOOD
742	~13	American Beech	GOOD
743	~30	Tulip Poplar	GOOD
744	~14	Tulip Poplar	GOOD
745	~8	Pignut Hickory	GOOD
746	~16	White Oak	GOOD
747	~12	Pignut Hickory	GOOD
748	~27	Tulip Poplar	GOOD
749	~8	Pignut Hickory	GOOD
750	~18	Tulip Poplar	GOOD
751	~8	Tulip Poplar	GOOD
752	~20	Tulip Poplar	GOOD
753	~7	Pignut Hickory	GOOD
754	~17	Pignut Hickory	GOOD
755	~7	Northern Red Oak	GOOD
756	~12	Tulip Poplar	GOOD
757	~20	Tulip Poplar	GOOD
758	~14	Tulip Poplar	GOOD
759	~28x24	Tulip Poplar	FAIR
760	~16	White Oak	GOOD
761	~12	White Oak	GOOD
762	~20	Tulip Poplar	GOOD
763	9	Sweetgum	FAIR

764	9	Black Cherry	FAIR
TREE TAG #	DBH	SPECIES	CONDITION

NOTES	SPECIMEN	ACCOMODATION
	NO	NO
	NO	NO
	YES	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
Dead Top	NO	NO
Past topping event; canker wound	NO	NO
Dead	NO	NO
Multiple canker wounds on trunk	NO	NO
Codominant	NO	YES
	NO	YES
	NO	YES
	NO	YES
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
Low codominant stems	YES	NO
Phototrophic lean; weight towards house	NO	NO
weak branch unions	YES	NO
	NO	YES
	NO	YES
Significant phototrophic lean	NO	YES
Large cavity in root collar	YES	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	YES	NO
	NO	YES
Codominant; carpenter ant nest in root collar	NO	NO
	NO	YES
	NO	YES
	YES	YES
	NO	NO
	NO	YES
	NO	YES
Codominant	NO	YES

	NO	YES
	NO	YES
Phototropic lean	NO	YES
	NO	YES
	NO	YES
Dead	NO	NO
	NO	YES
Large cavity in root collar	YES	NO
Hollow at base of tree	NO	NO
	NO	YES
Dead	NO	NO
	NO	YES
	NO	YES
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	YES
	NO	NO
	YES	NO
	NO	NO
	NO	NO
Basal bark decay	NO	NO
Past topping event	NO	NO
	NO	NO
	NO	NO
Codominant at base	NO	NO
	NO	NO
	YES	NO
	NO	YES
	NO	YES
	NO	YES
	NO	YES
	NO	YES
	NO	YES
	NO	NO
	NO	NO
Open cavity at base; hollow	NO	NO
	YES	NO
Hollow; leaning	NO	NO
	NO	NO
Poor growth form	NO	NO

	NO	NO
	NO	NO
Low codominant	NO	NO
	NO	YES
	NO	YES
	YES	NO
	NO	NO
Dead	NO	NO
Dead	NO	NO
Large canker wound on trunk	NO	NO
	NO	NO
Poor form	NO	NO
Phototropic lean	NO	NO
Minor crown dieback	NO	NO
Dead	NO	NO
	NO	NO
	YES	YES
	NO	YES
	NO	YES
	NO	NO
	NO	NO
	NO	NO
	NO	NO
Codominant	YES	NO
Dead	NO	NO
	NO	NO
	NO	NO
	NO	NO
	YES	NO
	NO	NO
Poor form	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
Broken top	NO	NO
	NO	NO
	NO	NO
Broken leader	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO

	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	YES
	NO	YES
	NO	YES
Poor form	NO	YES
Poor form	NO	YES
	NO	YES
	NO	YES
	NO	YES
	NO	YES
Poor form	NO	YES
	NO	NO
	NO	NO
	YES	YES
	NO	YES
	NO	YES
	YES	YES
	NO	YES
	NO	YES
	NO	YES
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	YES
	NO	YES
	NO	YES
Minor crown dieback	NO	YES
	NO	YES
Dead	NO	NO
	NO	YES

	NO	YES
Low codominant	YES	YES
	NO	YES
	NO	YES
	NO	YES
	NO	YES
	NO	YES
	YES	YES
	NO	YES
	NO	YES
	NO	YES
	NO	YES
	NO	YES
	NO	YES
	NO	YES
	NO	YES
	NO	NO
	NO	NO
	NO	NO
	YES	NO
	NO	YES
	NO	YES
Poor form	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
Poor form	NO	NO
Poor form	NO	NO
Poor form	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
	NO	NO
Poor form	NO	NO
	YES	YES
Basal decay	NO	NO
	NO	YES
	YES	YES
Dead	NO	NO
	NO	YES

[illegible]

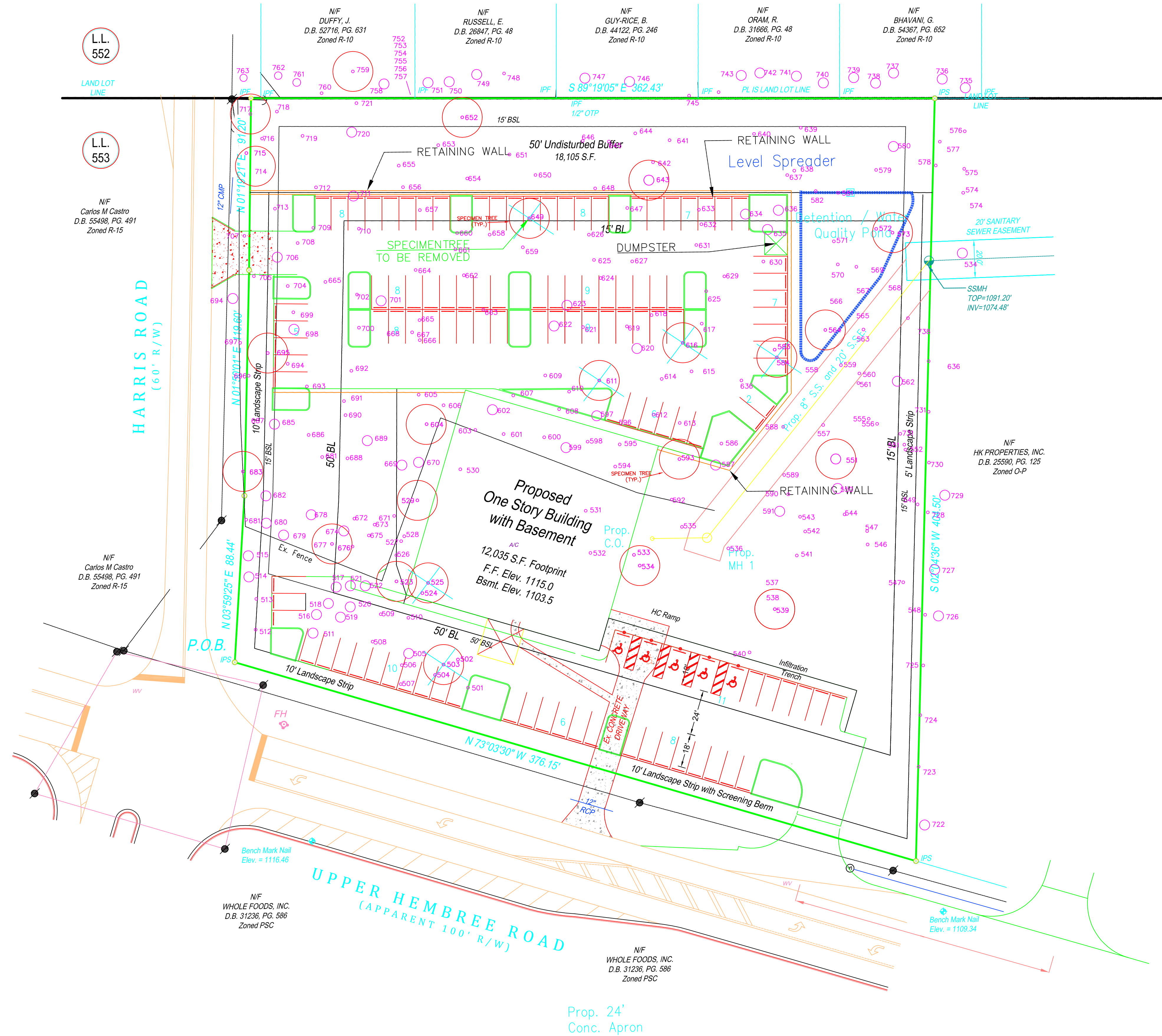
Minor crown dieback	NO	BOUNDARY
NOTES	SPECIMEN	ACCOMODATION

TREE TAG #	DBH	SPECIES	CONDITION	NOTES	SPECIMEN
503	10	Flowering Dogwood	GOOD		YES
523	30	Northern Red Oak	FAIR	Low codominant stems	YES
525	38	Pignut Hickory	DDH	codominant stems with	YES
529	17	Sourwood	DDH	Large cavity in root collar	YES
534	28	White Oak	GOOD		YES
539	27	White Oak	GOOD		YES
551	30	Tulip Poplar	DDH	Large cavity in root collar	YES
564	24	Pignut Hickory	GOOD		YES
573	27	Pignut Hickory	GOOD		YES
584	24	Pignut Hickory	GOOD		YES
593	27	Southern Red Oak	GOOD		YES
604	24	Pignut Hickory	GOOD		YES
611	33	Pignut Hickory	GOOD	Codominant	YES
616	25	Pignut Hickory	GOOD		YES
649	28	Pignut Hickory	GOOD		YES
652	35	White Oak	GOOD		YES
677	31	Tulip Poplar	FAIR	Low codominant	YES
683	27	White Oak	GOOD		YES
695	25	White Oak	FAIR		YES
714	25	Pignut Hickory	GOOD		YES
717	24	Pignut Hickory	FAIR		YES
743	~30	Tulip Poplar	GOOD		YES
759	~28x24	Tulip Poplar	FAIR	Low codominant	YES

TREE TAG #	DBH	SPECIES	CONDITION	NOTES
508	17	Loblolly Pine	DDH	Dead Top
510	14	Loblolly Pine	DDH	Dead
511	9	Loblolly Pine	DDH	Multiple canker wounds on trunk
525	38	Pignut Hickory	DDH	weak branch unions
529	17	Sourwood	DDH	Large cavity in root collar
536	19	Pignut Hickory	DDH	Codominant; carpenter ant nest in root collar
549	8	Red Mulberry	DDH	Dead
551	30	Tulip Poplar	DDH	Large cavity in root collar
552	19	Pignut Hickory	DDH	Hollow at base of tree
554	8	Tulip Poplar	DDH	Dead
567	13	Tulip Poplar	DDH	Basal bark decay
583	11	Pignut Hickory	DDH	Open cavity at base; hollow
585	11	Tulip Poplar	DDH	Hollow; leaning
595	15	Tulip Poplar	DDH	Dead
596	14	Tulip Poplar	DDH	Dead
597	8	Tulip Poplar	DDH	Large canker wound on trunk
602	11	White Oak	DDH	Dead
612	12	Tulip Poplar	DDH	Dead
624	10	Pignut Hickory	DDH	Broken top
627	18	Pignut Hickory	DDH	Broken leader
674	9	Tulip Poplar	DDH	Dead
715	13	Tulip Poplar	DDH	Basal decay
718	13	Northern Red Oak	DDH	Dead

TREE TAG #	DBH	SPECIES	CONDITION	NOTES	SPECIMEN
512	24	Loblolly Pine	FAIR	Codominant	NO
513	21	Loblolly Pine	GOOD		NO
514	7	Water Oak	GOOD		NO
515	7	Water Oak	FAIR		NO
526	14	Post Oak	GOOD		NO
527	14	Pignut Hickory	GOOD		NO
528	10	White Oak	FAIR	Significant phototrophic lean	NO
535	14	Pignut Hickory	GOOD		NO
537	15	White Oak	GOOD		NO
538	21	White Oak	GOOD		NO
539	27	White Oak	GOOD		YES
541	26	Tulip Poplar	GOOD		NO
542	9	White Oak	GOOD		NO
543	22	Pignut Hickory	FAIR	Codominant	NO
544	7	Pignut Hickory	GOOD		NO
545	18	White Oak	GOOD		NO
546	18	White Oak	FAIR	Phototrophic lean	NO
547	19	Tulip Poplar	GOOD		NO
548	8	Tulip Poplar	GOOD		NO
550	9	Red Mulberry	GOOD		NO
553	20	Pignut Hickory	GOOD		NO
555	14	Tulip Poplar	GOOD		NO
556	12	Tulip Poplar	GOOD		NO
562	10	Tulip Poplar	GOOD		NO
574	17	Tulip Poplar	GOOD		NO
575	23	Southern Red Oak	GOOD		NO
576	13	Pignut Hickory	GOOD		NO
577	17	Pignut Hickory	GOOD		NO
578	9	Persimmon	FAIR		NO
579	14	Tulip Poplar	GOOD		NO
580	7	Sweetgum	GOOD		NO
591	12	Northern Red Oak	GOOD		NO
592	23	Pignut Hickory	GOOD		NO
604	24	Pignut Hickory	GOOD		YES
605	21	White Oak	GOOD		NO
606	19	Pignut Hickory	GOOD		NO
637	14	Tulip Poplar	GOOD		NO
638	9	Tulip Poplar	GOOD		NO
639	13	Northern Red Oak	GOOD		NO
640	11	Black Cherry	FAIR	Poor form	NO
641	16	Pignut Hickory	FAIR	Poor form	NO
642	11	White Oak	GOOD		NO
643	8	Pignut Hickory	GOOD		NO

TREE TAG #	DBH	SPECIES	CONDITION	NOTES	SPECIMEN
722	22	Willow Oak	GOOD		NO
723	13	Willow Oak	GOOD		NO
724	23	Willow Oak	GOOD		NO
725	18	Willow Oak	GOOD		NO
726	17	Willow Oak	GOOD		NO
727	16	Willow Oak	GOOD		NO
728	16	Black Cherry	FAIR	Poor pruning for light clearance	NO
729	19	Willow Oak	GOOD		NO
730	16	Willow Oak	GOOD		NO
731	16	Willow Oak	GOOD		NO
732	19	Willow Oak	GOOD		NO
733	10	Nuttall Oak	FAIR		NO
734	15	Red Maple	GOOD		NO
735	~20	Tulip Poplar	GOOD		NO
736	~23	Tulip Poplar	GOOD		NO
737	~21	Tulip Poplar	GOOD		NO
738	~17	Tulip Poplar	GOOD		NO
739	~14	Tulip Poplar	GOOD		NO
740	~20	Tulip Poplar	GOOD		NO
741	~12	White Oak	GOOD		NO
742	~13	American Beech	GOOD		NO
743	~30	Tulip Poplar	GOOD		YES
744	~14	Tulip Poplar	GOOD		NO
745	~8	Pignut Hickory	GOOD		NO
746	~16	White Oak	GOOD		NO
747	~12	Pignut Hickory	GOOD		NO
748	~27	Tulip Poplar	GOOD		NO
749	~8	Pignut Hickory	GOOD		NO
750	~18	Tulip Poplar	GOOD		NO
751	~8	Tulip Poplar	GOOD		NO
752	~20	Tulip Poplar	GOOD		NO
753	~7	Pignut Hickory	GOOD		NO
754	~17	Pignut Hickory	GOOD		NO
755	~7	Northern Red Oak	GOOD		NO
756	~12	Tulip Poplar	GOOD		NO
757	~20	Tulip Poplar	GOOD		NO
758	~14	Tulip Poplar	GOOD		NO
759	~28x24	Tulip Poplar	FAIR	Low codominant	YES
760	~16	White Oak	GOOD		NO
761	~12	White Oak	GOOD		NO
762	~20	Tulip Poplar	GOOD		NO
763	9	Sweetgum	FAIR	Topped	NO
764	9	Black Cherry	FAIR	Minor crown dieback	NO



02/05/2020

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

CU-20-03
Spirit of God Church
FOR OFFICE USE ONLY

Case #: _____

☐ Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT

2 PARK PLAZA

ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta."
5. Applications will be accepted only on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

Contact Information:

Contact Name: Randall G. Knighton Telephone: (404)245-0900
Address: 7197 Belcrest Drive Suite: _____
City Duluth State: GA Zip: 30097 Fax: _____
Mobile Tel: (404)245-0900 Email: rknighton@spiritofgodcc.org

Subject Property Information:

Address: 1200 Upper Hembree Road Current Zoning: C4
District: 1st Section: 2nd Land Lot: 533 Parcel ID: 12 223005530855
Proposed Zoning: Existing with Conditional Use Current Use: Unoccupied Structure

This Application For (Check All That Apply):

- | | | |
|---|---|------------------------------------|
| ☒ Conditional Use | ☐ Master Plan Amendment | ☐ Exception |
| ☐ Rezoning | ☐ Master Plan Review | |
| ☐ Variance | ☐ Public Hearing | |
| ☐ Comprehensive Plan Amendment | ☐ Other (Specify): _____ | |

02/05/2020

Spirit of God Church

APPLICANT REQUEST AND INTENT

What is the proposed use(s) of the property?

We intend to use this property as a House of Worship/Church. We intend to build a new structure approximately 8,000 - 14,000 sqft (Main level approximately 8,000-10,000 sqft/basement level 4,000 - 6,000 sqft). The main auditorium/sanctuary will seat 300 - 350 people. There will be only one service held per Sunday at 10am (8:30am - 2:30pm hours of operation on Sunday). There will be an average of 150 - 200 people per service. There will be five (5) admin offices for staff. The church will be used on Monday thru Friday with flexible hours (8am - 7pm) for a church staff of less than 6 people. On Wednesday evenings there will be Praise Team/Choir rehearsal with approximately 20 people in attendance from 6pm - 9pm. On Thursday nights, bible study will be held with approximately 40 people in attendance (6pm - 9pm). One - Two times a month on Saturdays, small groups will meet from 2 - 3 hours (10am or 5pm/approximately 30 attendees). Once a year there will be a New Year's Eve Service from 10pm - 1am. (approximately 150 attendees). Two - Three times a year, there may be special church events held on a Saturday for i.e. plays, family fun day, etc. (approximately 150 - 200 in attendance).

Applicant's Request (Please itemize the proposal):

We are requesting conditional use approval for the purpose of general church activity use.

Applicant's Intent (Please describe what the proposal would facilitate):

We are requesting conditional use approval for the purpose of general church activity use. We intend to build a new structure approximately 8,000 - 14,000 sqft (Main level approximately 8,000-10,000 sqft/basement level 4,000 - 6,000 sqft). The main auditorium/sanctuary will seat 300 - 350 people. There will be only one service held per Sunday at 10am (8:30am - 2:30pm hours of operation on Sunday). There will be an average of 150 - 200 people per service. There will be five (5) admin offices for staff. The church will be used on Monday thru Friday with flexible hours (8am - 7pm) for a church staff of less than 6 people. On Wednesday evenings there will be Praise Team/Choir rehearsal with approximately 20 people in attendance from 6pm - 9pm. On Thursday nights, bible study will be held with approximately 40 people in attendance (6pm - 9pm). One - Two times a month on Saturdays, small groups will meet from 2 - 3 hours (10am or 5pm/approximately 30 attendees). Once a year there will be a New Year's Eve Service from 10pm - 1am. (approximately 150 attendees). Two - Three times a year, there may be special church events held on a Saturday for i.e. plays, family fun day, etc. (approximately 150 - 200 in attendance).

02/05/2020

Spirit of God Church

DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: Randall G. Knighton on behalf of Spirit of God Christian Church

Subject Public Hearing Case: _____

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of \$250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: N/A Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

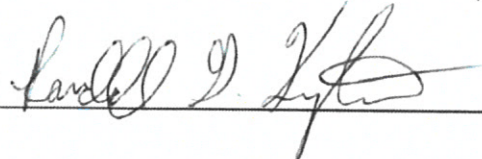
Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: 

Date: 2-3-2020

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: MARTHA ANN IRVIN Telephone: 770 595-0063
Address: 344 Tony Allen Dr Suite: _____
City CANTON State: GA Zip: 30114

Authorization:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.

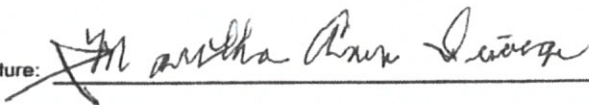
As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.

- | | |
|---|---|
| ☐ Annexation | ☐ Special Use |
| ☐ Rezoning | ☒ Conditional Use |
| ☐ Variance | ☐ Master Plan |
| ☐ Land Use Application | ☐ Other |

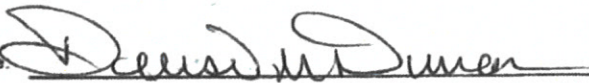
Identify Authorized Applicant:

Name of Authorized Applicant: Randall G. Knighton on behalf of Spirit of God Christian Church Telephone: (404)245-0900
Address: 7197 Belcrest Drive Suite: _____
City Duluth State: GA Zip: 30097

So Sworn and Attested:

Owner Signature:  Date: 2/10/20

Notary:

Notary Signature:  Date: 2/10/20
Exp 4/12/21

~~02/05/2020~~~~Spirit of God Church~~

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

Our church office hours will be similar to the surrounding businesses in the area with less than 6 employees. There will be 4-5 hours on Sundays for worship service and a few occasions on Saturdays 2-3 hours for special church events.

How will this proposal affect the use and value of the surrounding properties?

Our facility will have negative impact on the surrounding properties. Upon completion of new construction on this property, it will increase in value.

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

Yes as it is currently zoned for office and industrial.

What would be the increase to population and traffic if the proposal were approved?

There will be minimal to no increase Monday - Saturday and there will be a slight increase on Sundays during the hours of 9am - 1pm with approximately 100 cars.

What would be the impact to schools and utilities if the proposal were approved?

There will be minimal to none.

How is the proposal consistent with the Alpharetta Comprehensive Plan; particularly the Future Land Use Map?

It will meet with the zoning requirements of the city pending conditional use.

Are there existing or changing conditions which affect the development of the property and support the proposed request?

None

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

~~02/05/2020~~~~Spirit of God Church~~

BOARD OF ZONING APPEALS REVIEW CRITERIA

Please respond to the following ONLY if you are applying for a zoning variance.

Are there extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography? Please describe them.

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Please explain.

Are there conditions that are peculiar to the subject property? Please describe them in detail.

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Please defend your response.

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

02/05/2020

Spirit of God Church

SIGN VARIANCE REVIEW CRITERIA

Are there exceptional conditions pertaining to the property where the sign is to be located as a result of the property size, shape, or topography which are not applicable to other lands or structures in the area? If "yes," please explain.

☐ Yes☐ No

Would the applicant be deprived of rights that are commonly enjoyed by others similarly situated? If "yes," please explain.

☐ Yes☐ No

Would granting the variance confer on the applicant any significant privileges which are denied to others similarly situated? If "yes," please explain.

☐ Yes☐ No

Are the exceptional circumstances the result of actions of the applicant or the applicant's representatives? If "yes," please explain.

☐ Yes☐ No

Is the requested variance the minimum necessary to allow the applicant to enjoy rights commonly enjoyed by others similarly situated? If "no," please explain.

☐ Yes☐ No

Would granting of the variance violate more than one standard of the Unified Development Code? If "yes," please explain.

☐ Yes☐ No

Would granting the variance result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic? On a separate sheet or sheets, please defend your response.

☐ Yes☐ No

02/05/2020

Spirit of God Church

CITIZEN PARTICIPATION FORM - PART A

This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.

Public Hearing or Project Name: Commission Hearing: Conditional Use Request for Spirit of God Christian Church

Contact Name: Randall G. Knighton Telephone: (404)245-0900

The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

- | | |
|------------------------------------|---|
| ☐ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other (Please Specify) |

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

02/05/2020

Spirit of God Church

CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: Commission Hearing: Conditional Use Request for Spirit of God Christian Church

Contact Name: Randall G. Knighton Telephone: (404)245-0900

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.*

- | | |
|------------------------------------|---|
| ☐ Letter | ☐ Personal Visits |
| ☐ Telephone | ☐ Group Meeting |
| ☐ Email | ☐ Other (Please Specify) _____ |

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.

Signature of Authorized Agent: _____

Date: _____

2-3-2020

Print Form



Location Map

Scale: 1" = 500'

Proposed Site Development Data			
Existing Zoning: Office - Institutional (O-1)			
1200 Upper Hembree Road			
Existing Area / Building Footprint	1,580 S.F.	1.01 %	
Existing Plaza / Carport	514 S.F.	0.45 %	
Existing Plaza / Deck	880 S.F.	0.73 %	
Existing Plaza / Deck	100 S.F.	0.13 %	
Total Existing Footprint	3,080 S.F.	2.32 %	
Parking Requirements	13 Spaces		
Office (1 per 300 S.F.)	1 Spaces		
West (Shopping) (1 per 2,000 S.F.)	14 Spaces		
Total Required	15 Spaces		
Parking Provided	23 Spaces		
Office and Employee	1 Spaces		
Handicap	23 Spaces		
Impervious Calculations			
Buildings	3,080 S.F.	3.75 %	
Driveway / Walkway / Sidewalk	3,280 S.F.	3.20 %	
Gravel Parking / Storage Yard	43,280 S.F.	35.30 %	
Total Impervious	49,640 S.F.	39.81 %	
Landscaping / Undisturbed Buffer	10,100 S.F.	14.22 %	
Undisturbed Buffer	5,400 S.F.	5.27 %	
Landscaping and Open Space (50% 10%)	10,100 S.F.	11.80 %	

Office - Institutional District Requirements	
Min. Lot Area	None
Min. Lot Width	None
Min. Front Yard	50'
Min. Side Yard	15'
Min. Rear Yard	15'
Max. Bldg Lot Coverage	40%
Max. Bldg Height	40'
Min. Open Space	10%

REFERENCES:

- Topographic and Reassessment Survey for Lawsouth, prepared by Land Pro Surveying and Mapping, dated 11-07-2015.
- Tree Assessment Report, prepared by Caldwell Tree Care dated 11-16-2016.

FLOOD HAZARD NOTE:

No portion of this property is contained within the limits of a flood hazard zone as defined by the federal emergency management agency flood insurance rate map of Fulton County, GA. (community panel no. 13121C00547), most recently revised September 18, 2013.

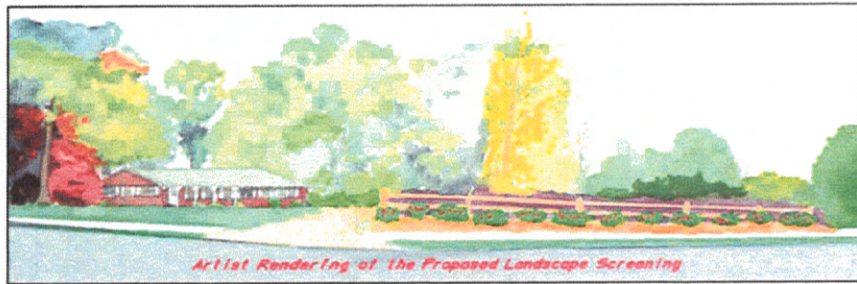


STATE WATERS NOTE:

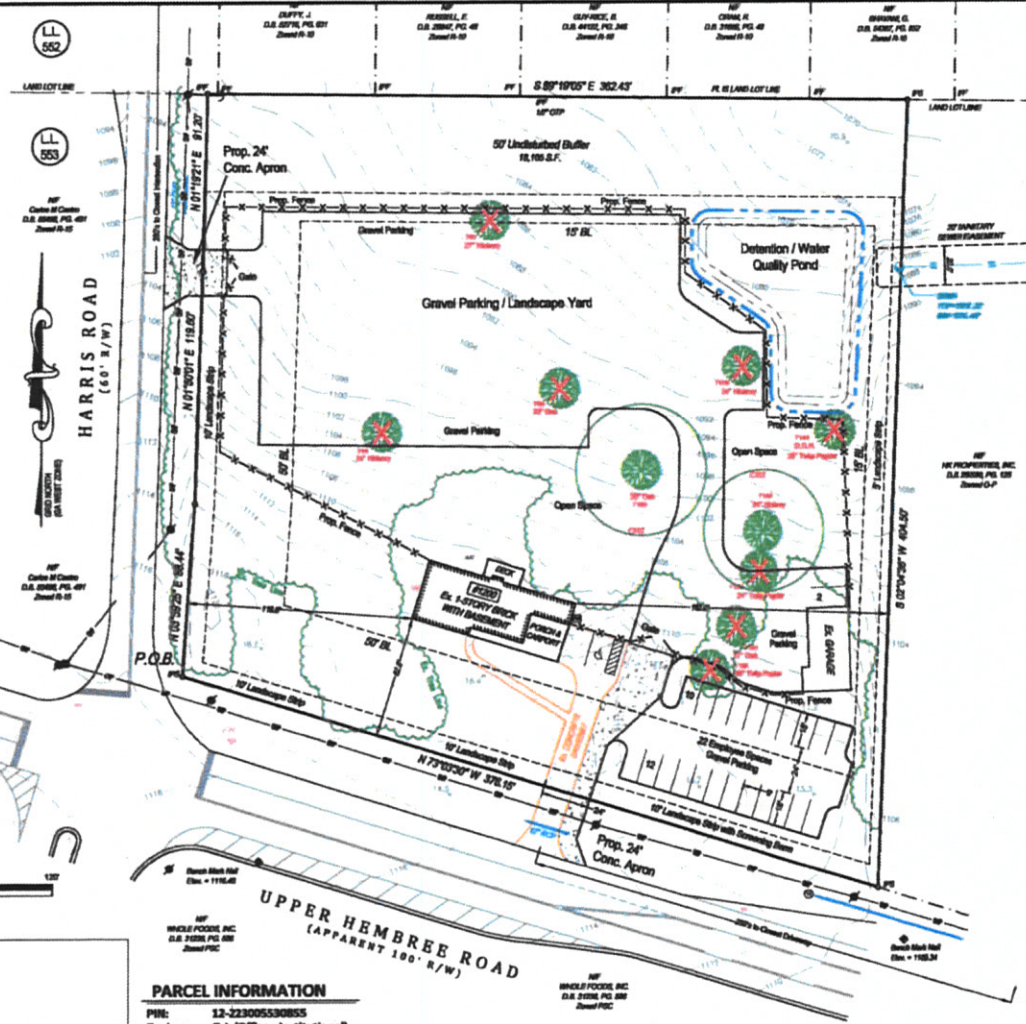
The Topographic and Reassessment Survey as referenced herein does NOT show State Waters on this property.

There are no Wetlands on this property.

Scale: 1"=30' (22'x34') 1"=60' (11'x17')



Artist Rendering of the Proposed Landscape Screening



PARCEL INFORMATION

PIN: 12-223005530855
 Zoning: O-1 (Office - Institutional)
 Owner: George & Martha Irvin
 Address: 1200 Upper Hembree Road
 Roswell, Georgia 30076

DESIGN FIRM

Engineering 303, LLC
 116 North Main Street, Suite B
 Cumming, Georgia 30040
 Contact: Brian King PE
 Phone: (770) 442-0500
 Email: brian@engineering303.com

Proposed Developer

Lawn South
 36 Woodstock Street
 Roswell, Georgia 30075
 Contact: Terry Kraft
 Phone: 770-642-7713
 Email: terry@lawnsouth.com

AREA THIS TRACT

Site Area: 1.922 Acres
 (127,290 S.F.)
 Disturbed Area: 1.471 Acres

There are Specimen Trees within the proposed limits of disturbance. See Topographic and Reassessment Survey for Lawsouth, prepared by Land Pro Surveying and Mapping, dated 11-07-2015.

NO.	NAME	TYPE	NO.	NAME	TYPE	NO.	NAME	TYPE	NO.	NAME	TYPE
1	JOHN	OWNER	101	JOHN	OWNER	201	JOHN	OWNER	301	JOHN	OWNER
2	JOHN	OWNER	102	JOHN	OWNER	202	JOHN	OWNER	302	JOHN	OWNER
3	JOHN	OWNER	103	JOHN	OWNER	203	JOHN	OWNER	303	JOHN	OWNER
4	JOHN	OWNER	104	JOHN	OWNER	204	JOHN	OWNER	304	JOHN	OWNER
5	JOHN	OWNER	105	JOHN	OWNER	205	JOHN	OWNER	305	JOHN	OWNER
6	JOHN	OWNER	106	JOHN	OWNER	206	JOHN	OWNER	306	JOHN	OWNER
7	JOHN	OWNER	107	JOHN	OWNER	207	JOHN	OWNER	307	JOHN	OWNER
8	JOHN	OWNER	108	JOHN	OWNER	208	JOHN	OWNER	308	JOHN	OWNER
9	JOHN	OWNER	109	JOHN	OWNER	209	JOHN	OWNER	309	JOHN	OWNER
10	JOHN	OWNER	110	JOHN	OWNER	210	JOHN	OWNER	310	JOHN	OWNER
11	JOHN	OWNER	111	JOHN	OWNER	211	JOHN	OWNER	311	JOHN	OWNER
12	JOHN	OWNER	112	JOHN	OWNER	212	JOHN	OWNER	312	JOHN	OWNER
13	JOHN	OWNER	113	JOHN	OWNER	213	JOHN	OWNER	313	JOHN	OWNER
14	JOHN	OWNER	114	JOHN	OWNER	214	JOHN	OWNER	314	JOHN	OWNER
15	JOHN	OWNER	115	JOHN	OWNER	215	JOHN	OWNER	315	JOHN	OWNER
16	JOHN	OWNER	116	JOHN	OWNER	216	JOHN	OWNER	316	JOHN	OWNER
17	JOHN	OWNER	117	JOHN	OWNER	217	JOHN	OWNER	317	JOHN	OWNER
18	JOHN	OWNER	118	JOHN	OWNER	218	JOHN	OWNER	318	JOHN	OWNER
19	JOHN	OWNER	119	JOHN	OWNER	219	JOHN	OWNER	319	JOHN	OWNER
20	JOHN	OWNER	120	JOHN	OWNER	220	JOHN	OWNER	320	JOHN	OWNER
21	JOHN	OWNER	121	JOHN	OWNER	221	JOHN	OWNER	321	JOHN	OWNER
22	JOHN	OWNER	122	JOHN	OWNER	222	JOHN	OWNER	322	JOHN	OWNER
23	JOHN	OWNER	123	JOHN	OWNER	223	JOHN	OWNER	323	JOHN	OWNER
24	JOHN	OWNER	124	JOHN	OWNER	224	JOHN	OWNER	324	JOHN	OWNER
25	JOHN	OWNER	125	JOHN	OWNER	225	JOHN	OWNER	325	JOHN	OWNER
26	JOHN	OWNER	126	JOHN	OWNER	226	JOHN	OWNER	326	JOHN	OWNER
27	JOHN	OWNER	127	JOHN	OWNER	227	JOHN	OWNER	327	JOHN	OWNER
28	JOHN	OWNER	128	JOHN	OWNER	228	JOHN	OWNER	328	JOHN	OWNER
29	JOHN	OWNER	129	JOHN	OWNER	229	JOHN	OWNER	329	JOHN	OWNER
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37	JOHN	OWNER	137	JOHN	OWNER	237	JOHN	OWNER	337	JOHN	OWNER
38	JOHN	OWNER	138	JOHN	OWNER	238	JOHN	OWNER	338	JOHN	OWNER
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40	JOHN	OWNER	140	JOHN	OWNER	240	JOHN	OWNER	340	JOHN	OWNER
41	JOHN	OWNER	141	JOHN	OWNER	241	JOHN	OWNER	341	JOHN	OWNER
42	JOHN	OWNER	142	JOHN	OWNER	242	JOHN	OWNER	342	JOHN	OWNER
43	JOHN	OWNER	143	JOHN	OWNER	243	JOHN	OWNER	343	JOHN	OWNER
44	JOHN	OWNER	144	JOHN	OWNER	244	JOHN	OWNER	344	JOHN	OWNER
45	JOHN	OWNER	145	JOHN	OWNER	245	JOHN	OWNER	345	JOHN	OWNER
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53	JOHN	OWNER	153	JOHN	OWNER	253	JOHN	OWNER	353	JOHN	OWNER
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62	JOHN	OWNER	162	JOHN	OWNER	262	JOHN	OWNER	362	JOHN	OWNER
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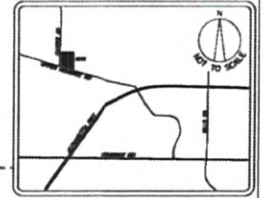
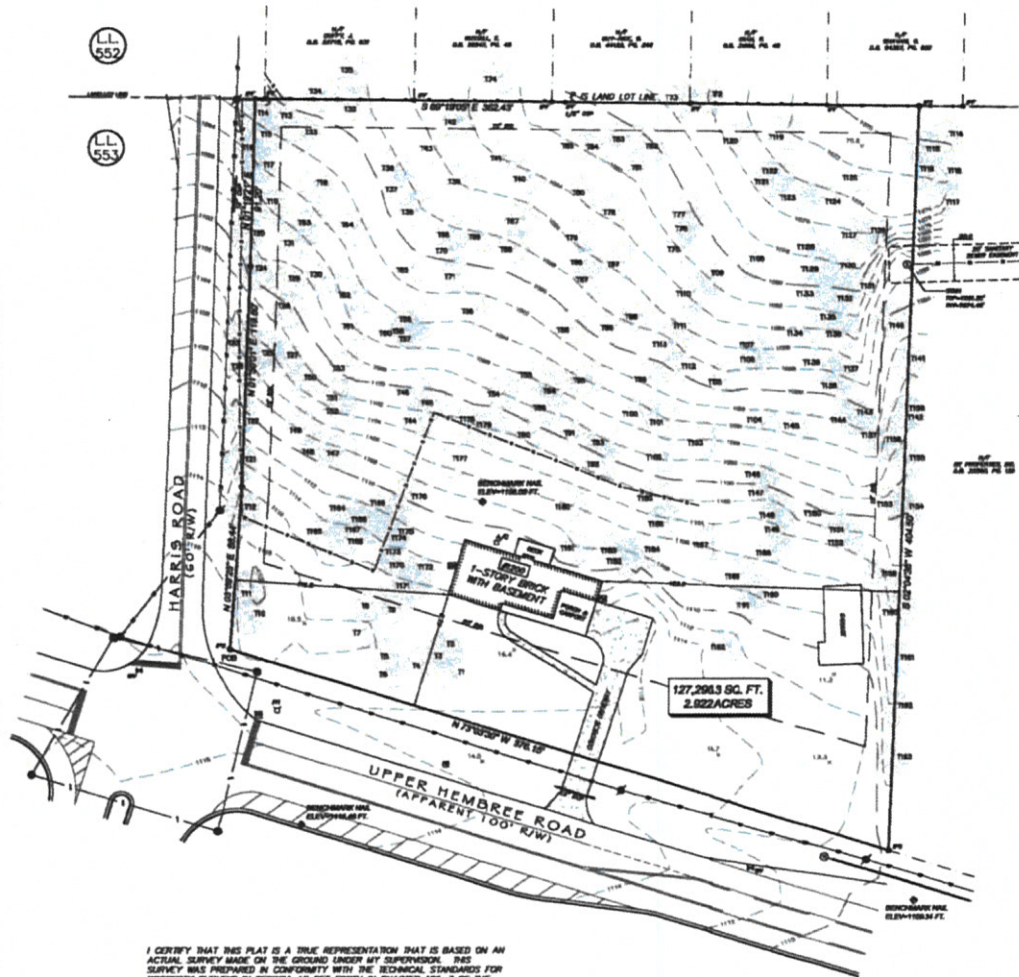
LEGEND

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
[Symbol]	Property Line	[Symbol]	Survey Line	[Symbol]	Boundary Line
[Symbol]	Right of Way	[Symbol]	Setback Line	[Symbol]	Utility Line
[Symbol]	Water Feature	[Symbol]	Drainage Line	[Symbol]	Other Feature

I CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION THAT IS BASED ON AN ACRUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISOR. THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 186-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 18-6-67.



JAMES H. RADER GEORGIA RLS# 3033



SURVEY NOTES

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE INSPECTION REPORT. EASEMENTS, ENCUMBRANCES, OR ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON MAY EXIST.
2. THIS PLAT WAS PREPARED FROM A FIELD SURVEY USING A ONE SECOND TRIANGLE TOTAL STATION.
3. THE PRECISION OF THE FIELD DATA UPON WHICH THIS SURVEY IS BASED WAS VERIFIED WITH REDUNDANT LINEAR MEASUREMENTS. THE CALCULATED POSITIONAL TOLERANCE IS LESS THAN 0.10' FOR POINT. THE FIELD DATA HAS BEEN ADJUSTED USING LEAST SQUARES.
4. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 207,677 FEET.
5. ALL BFF & IPS ARE 3" REBAR UNLESS NOTED OTHERWISE.
6. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY, PUBLIC OR PRIVATE.
7. BY GRAPHIC PLOTTING, NO PORTION OF THIS PROPERTY APPEARS TO LIE WITHIN THE 100 YEAR FLOOD PLAIN AND LIES IN ZONE "A" (AREA OUTSIDE OF THE 100 YEAR FLOOD PLAIN) ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 1301000504, EFFECTIVE DATE OF SEPTEMBER 6, 2013.
8. VERTICAL DATUM: NAVD 83. CONTOUR INTERVAL OF 2 FEET.
9. DISTANCES SHOWN HEREON ARE GROUND DISTANCES. BEARINGS SHOWN HEREON ARE BASED ON ANGLES TURNED AND ARE REFERENCED TO GRID NORTH.
10. DATE(S) OF FIELD SURVEY: 11/03/2019
11. INFORMATION REGARDING THE PRESENCE, SIZE AND LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON IS BASED ON THE LOCATION OF VISIBLE APPURTENANCES. LANDPRO SURVEYING AND MAPPING, INC. MAKES NO CERTIFICATION AS TO THE ACCURACY OR THOROUGHNESS OF THE INFORMATION SHOWN HEREON.

EODING: 0-1

MINIMUM FRONT SETBACK: 50 FEET
MINIMUM SIDE SETBACK: 15 FEET
MINIMUM REAR SETBACK: 15 FEET
MAXIMUM LOT COVERAGE: 40%
MAXIMUM BUILDING HEIGHT: 40 FEET

TOPOGRAPHIC & RETRACEMENT SURVEY FOR:

LAWNSOUTH

LAND LOT 352
SUBDIVISION 1, SECTION 9
CITY OF ALPHARETTA
FULTON COUNTY, GA

SCALE: 1" = 30'
DATE: 1/10/2020
PROJECT NO.: 20191107
SHEET: 1 OF 1

LandPro
SURVEYING AND MAPPING
305 CREEKSTONE RIDGE
WOODSTOCK, GA 30188
TEL: 404-386-3170
AUTHORIZATION NO. LBPD00338
WWW.LANDPROSURVEYING.COM
INFO@LANDPROSURVEYING.COM
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CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-20-02 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – DOWNTOWN CODE, MURALS, SPECIAL EVENT FACILITY, TEMPORARY USE AND FENCES

PLANNING COMMISSION: AUGUST 6, 2020

CITY COUNCIL: AUGUST 24, 2020

II. RECOMMENDATION:

Approve text amendments to the Unified Development Code related to the Downtown Code, Murals, Special Event Facility, Temporary Use and Fences.

III. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Subsection 1.4 Definitions, to add definitions for 'Mural', 'Privacy Fence' and 'Special Event Facility'. Text amendments to add 'Special Event Facility' as a permitted and conditional use in certain zoning districts. Text amendments to add a temporary use for non-profit seasonal events and regulations related to the location and appearance of fences and walls. Text amendments to the Alpharetta Downtown Code related to land use categories and the use table.

IV. ATTACHMENTS:

- UDC Strike Through and Underline Edits

SECTION 1.4 - DEFINITIONS

1.4.1 Use of words and phrases.

For the purpose of this Ordinance, the following shall apply to the use of words and phrases:

- A. Words used in the present tense include the future tense. Words used in the singular tense include the plural tense, and words used in the plural tense include the singular tense. The masculine person "his" also means "her."
- B. The word "shall" is always mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "and" indicates that all of the conditions, requirements, or factors so connected must be met or fulfilled, whereas the word "or" indicates that at least one condition, requirement, or factor so connected must be met.
- E. The term "such as" is intended to introduce one or more examples in illustration of a requirement or point, and is used herein to mean "including but not limited to the following."
- F. The word "structure" includes the word "building."
- G. The word "lot" shall include the words "plot," "tract," "parcel," and "property."
- H. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."
- I. The verbs "zone" and "rezone" have the same meaning and refer to the act of amending the Official Zoning Map through the process established by this Ordinance.
- J. The nouns "zone," "zoning district" and "district" have the same meaning and refer to the Zoning Districts established under this Ordinance.
- K. All words and phrases shall be interpreted within the context of the sentence, Section and Article in which they occur.

1.4.2 Defined terms.

Words and phrases defined herein shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Ordinance shall be construed to have the meaning given by common and ordinary use as defined by Webster's New International Dictionary, Latest Edition. Figures associated with defined terms in this Section are provided for illustration only and do not limit or change the meaning of the term as defined in writing.

Acceleration Lane. An added roadway lane which permits integration and merging of slower moving vehicles into the main vehicular stream.

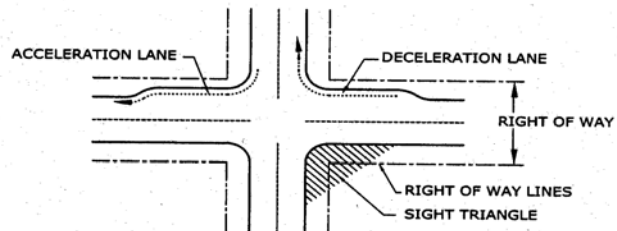
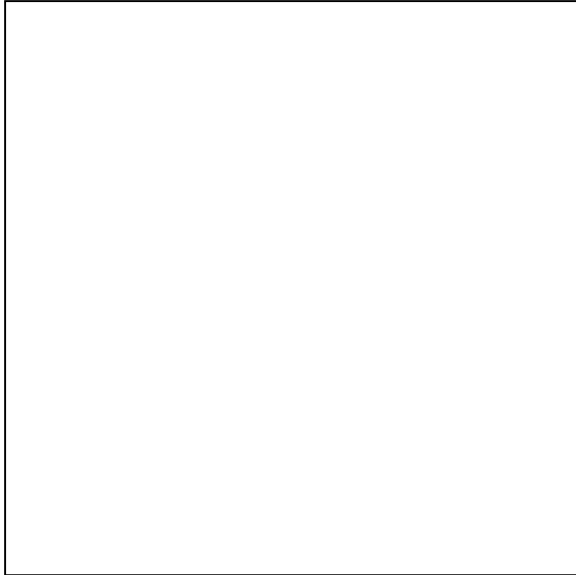


FIGURE 1

Access. A way or means of approach to provide physical entrance to a property.

Accessory Structure. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

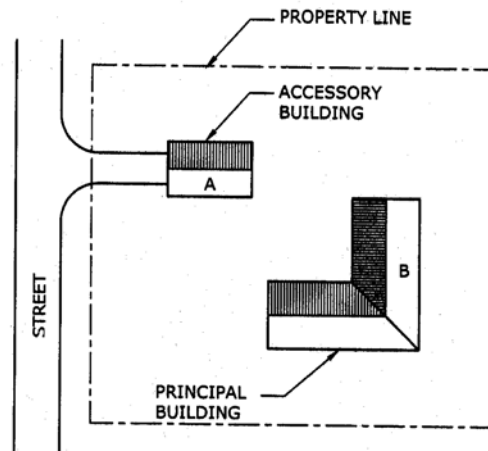
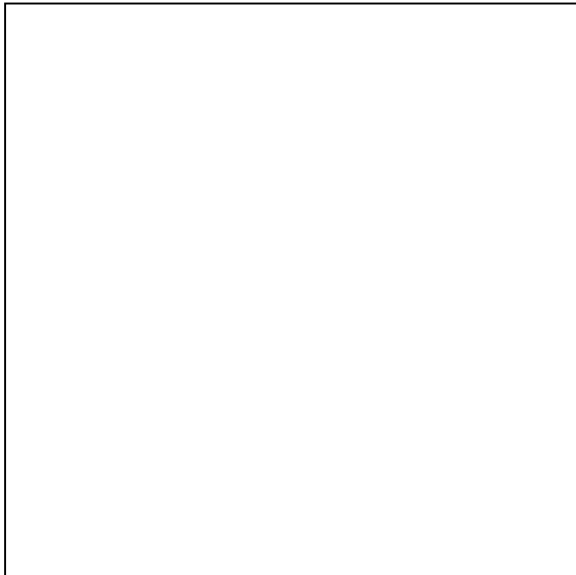


FIGURE 2

Accessory Use. A use customarily incidental and subordinate to the principal use and located on the same lot with such principal use.

Acre. A measure of land area containing 43,560 square feet.

1. **Acreage, Gross.** The total area of a property measured in acres and fractions thereof rounded to the nearest one-tenth acre.
2. **Acreage, Net.** The total buildable area of a property measured in acres to the nearest one-tenth, as existed when originally approved for its current zoning district, less any flood plain, easements and land dedicated to and accepted for streets or other public improvements by the City.

Adult Book Store. A retail establishment, a majority of whose inventory consists of books, magazines, videotapes and similar materials containing sexual activities or specified anatomical parts.

Airport. A property or structure licensed and approved by the Federal Aviation Administration where fixed wing aircraft or helicopters can land and take off, which may be equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

Aisle. The traveled way, which is not the public right-of-way, by which cars enter and depart parking spaces.

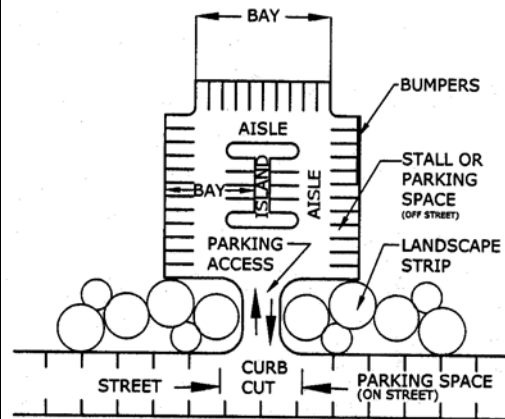
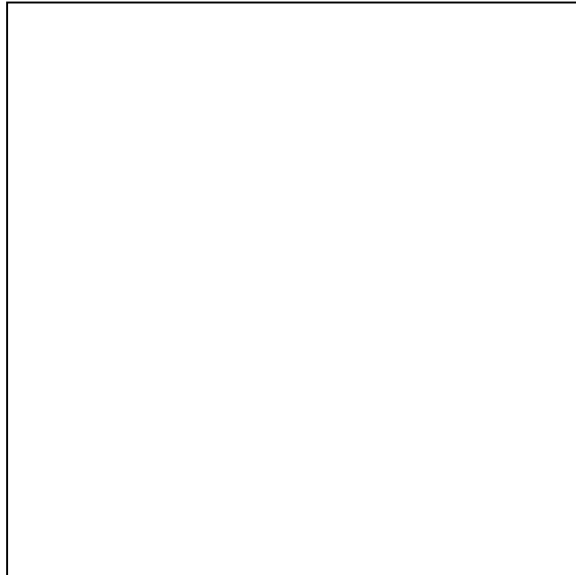


FIGURE 3

Alley. A non-exclusive private easement or publicly dedicated service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Alteration of Building. Any change in the supporting members of a building (such as bearing walls, columns or girders); any change in the non-supporting interior walls of a building; any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.

Amphitheater. An outdoor area designed or intended for the projection of sound to be heard by a nearby audience.

Amenity. A natural or man-made feature which is intended to enhance or make more attractive or satisfying a particular property.

Animal Hospital, Large Animals. A place where horses, cattle, sheep or other animals normally kept in agricultural settings are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Animal Hospital, Small Animals. A place where dogs, cats, birds or other animals normally kept as household pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Annexation. The incorporation of a land area into the City with a resulting change in the city limit boundaries.

Antenna. See Section 2.8 for definition of 'antenna.'

Apartment. One or more rooms comprising an independent dwelling unit in a 'For-Rent' building.

Applicant. Any person making a request to the City for any approval, permit or authorization under the procedures contained in this Ordinance.

Art Galleries. An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This does not include libraries, museums, or non-commercial art galleries, or where such display of art is incidental to the primary use.

Asphalt Plant. A business which manufactures, mixes, or blends asphaltic products for distribution.

Assisted Living Facility. See Congregate Housing.

Associations. An organization of persons having common interests or purposes.

Auditorium. An indoor building or structure designed or intended for use for the gathering of people as an audience to hear music, lectures, plays, and other presentations.

Auto Sales and Leasing. The use of any building, land area, or other premises or portions thereof, for the display, sales or lease of automobiles, trucks, vans, trailers or recreational vehicles, including internet transactions where most vehicles are not stored on site.

Automobile. A self-propelled, free moving vehicle, with at least four but no more than six wheels, designed primarily for the transportation of passengers or for conveyance of up to two tons of materials on a street or roadway.

Automobile Service Station. Any building, land area or other premises, or portion thereof used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories, or the provision of tune-up or light maintenance services for vehicles.

Automotive Service Establishment. A business principally engaged in the repair of automobiles or other motorized vehicles, or the installation or repair of equipment or parts on motorized vehicles such as mufflers, brakes, tires, radios, transmissions, and engines or engine parts.

Bakery. An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

Bank. A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds. This may include credit unions, savings and loans, and traditional banks.

Barber Shop. Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

Basement. An area below the first floor of a building used for storage, garages, and utilities or for common use of the occupants of the building. A basement used for any one or more of the above purposes shall not be counted as a story.

Beauty Shop. Any commercial establishment, residence, vehicle, or other establishment, place, or event wherein cosmetology is offered or practiced on a regular basis for compensation, excluding such types of services requiring customers to disrobe.

Bed and Breakfast. A building in which lodging and meals are provided for no more than seven (7) guest rooms and one (1) owner's suite and meals are served in a common dining room. Lodging facilities and services are provided for transient guests for an average stay of less than 7 days and offered to the public for compensation. Bed and Breakfast does not include retail uses, public bar, conference center or special event facilities. Guest rooms within the building shall contain no equipment for food preparation other than a coffee maker, mini-fridge and/or microwave. There shall be no self-serve laundry facilities (for guests use) within the building. Access to each guest room shall be through the interior of the building.

Berm. A mound of earth, or the act of pushing earth into a mound.

Block. A tract of land bounded by streets or a combination of streets and public land, rights-of-way or any other barrier to the community or development.

Board of Appeals. The appointed Board of Appeals of the City of Alpharetta.

Boarding House. A dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.

Book or Stationery Store. An establishment for the sale or distribution of books and miscellaneous stationery by direct retail sales to the public.

Bottled Gas Storage and Distribution. An establishment where gas is stored for wholesale distribution.

Boutique Hotel. A high quality hotel which contains less than 120 rooms located in a unique setting, such as the City's Downtown, mixed-use developments and/or an entertainment district. The building shall reflect a unique exterior architecture and interior design compatible with the area in which the hotel is located. The boutique hotel shall provide guests with high quality services, such as, but not limited to, concierge, on-site restaurant, room service, meeting space, business center, banquet facilities, spas, doormen, valet parking, boutiques and/or other amenities. Guest rooms within the building shall contain no equipment for food preparation other than a mini-fridge and/or microwave. There shall be no self-serve laundry facilities (for guests use) within the building. Access to each guest room shall be through an inside lobby supervised at all hours.

Brewery. A facility where malt beverages are manufactured or brewed.

Broadcasting Studio. An establishment for the dissemination of radio, television, satellite, or similar medium, which may include a transmission tower.

Buffer Area or Buffer Strip. That portion of a lot set aside for open space and screening purposes pursuant to applicable provisions of this Ordinance to separate different zoning districts or uses on one property from uses on another property. A required set back area may not be included in a required buffer area or visa-versa.

Buffer, Undisturbed. An area of land as defined above that exists in its natural state without intrusion or alteration. The addition of landscaping into areas of sparse vegetation within undisturbed buffers does not constitute intrusion or alteration.

Buildable Area. See "Lot Building Area."

Builder's Equipment. An area designed or intended for the storage and use of equipment or materials common in the construction trade. This may not include sales of such equipment or materials.

Building. Any structure built for or intended for occupancy, storage or shelter of persons, animals, personal or business property, or machinery of any kind which is entirely separated from any other structure.

Building Code. The latest edition of all codes relating to the construction of buildings and their mechanical, electrical and other systems, as adopted by the City of Alpharetta pursuant to the Georgia Uniform Building Code Act and also referred to as the Standard Building Code.

Building Frontage. The linear width of a building facing or most nearly facing a street.

Building Height. The vertical distance to the highest point of the roof surface of a flat roof, the deck line of a mansard roof, and to the mean height level between eaves and ridge of a gable, hip or gambrel roof, as measured from the average finished grade across the building frontage.

Building Inspector. The Building Official of the City of Alpharetta or the Building Official's designated representative.

Building Site. A parcel or lot or land occupied or intended to be occupied by a building or structure having not less than the minimum area permitted by the code.

Bus Shelter. A small, roofed structure, having from one to three walls, located near a street, and designed primarily for the protection and convenience of bus passengers.

Car Wash. Any building or premises or portions thereof dedicated to use for washing automobiles; or a structure containing facilities for washing automobiles.

Carpenter Shop. An establishment utilized for the manufacture or assemblage of wood into usable forms for sale and distribution.

Carpet and Rug Sales. An establishment for the retail or wholesale sale of floor coverings.

Cemetery. Land used or dedicated to the burial or internment of human or animal remains, including crematoriums, mausoleums, necessary sales, and maintenance facilities.

Center Line of Street. Any line surveyed as such by the City of Alpharetta or the Georgia Department of Transportation or their designee, or, if no such survey exists, the line which is midway between the edge of pavement or back of curb of a street.

Central Business District (CBD). That portion of the City bounded by Mayfield Road to the North, Old Milton Parkway to the South, Haynes Bridge Road and Highway 9 to the east and Roswell and Canton Streets to the west. (see page 2-103)

Certificate of Occupancy. A document issued by the Director indicating that a particular building conforms with the requirements of this Ordinance and the building is complete and ready for use.

Church. A facility incorporating one or more buildings where religious services are conducted.

City. The City of Alpharetta, Georgia.

City Administrator. The Chief Operating Officer of the City of Alpharetta or his designee.

City Clerk. The City Clerk of Alpharetta, Georgia, or the City Clerk's designated representative.

City Council or Mayor and Council. The legally constituted and elected governing body of the City of Alpharetta, Georgia.

Clinic. An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, medical professionals, or social workers and where patients are not usually lodged overnight.

Club. Buildings and facilities owned or operated by an association or persons for a social or recreational purpose.

Collection Box. A container, trailer, vehicle or other structure, used for the purpose of acquiring donated goods, by a for-profit or not-for-profit entity.

Commercial Parking Lot. An area or structure dedicated to the temporary storage of automobiles or other vehicles for periods of less than 24 hours for a fee, operated as the principal use of the property or structure.

Community Development Director. The Director of the Community Development Department or his designee.

Comprehensive Plan (CP). The long-range plan for guiding development in the City of Alpharetta and the City's urban area to a point in time at least 15 years from when the plan was adopted, with the overall goal being to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents and businesses.

Concept Plan. A generalized map presenting an image or representation of a proposed development, and showing those plan elements as further required by this Ordinance.

Concrete Plant. A business which manufactures, mixes, or blends concrete products for distribution.

Conditional Use. A use that generally would not be appropriate throughout a zoning district but which, if controlled as to visual appearance, number, area, height, location, or relation to abutting or nearby uses, would not be injurious to the public, health, safety, welfare, morals, order, comfort, convenience, appearance or general welfare. Such uses may be permitted only in zoning districts specified in this Ordinance and are subject to conditions and approval by the Mayor and Council.

Condominium. A legal form of multiple ownership consisting of a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Condominium, Office. An office building (or group of buildings) organized, owned and maintained as a condominium.

Condominium, Residential. A building type consisting of individual units located within a single structure. The structure normally has at least two, but no more than six stories. The structure is designed to appear as a single building with no architectural distinction between the units. Architectural elements such as materials, colors and windows are repeated consistently throughout the building and there is usually a single roof element and a single point of primary entry. The architectural style typically expresses the horizontal lines of the building which then accentuates the floors of the building as a primary visual element. The common areas of the building such as the elevators and lobby may be expressed as special features on the main elevations of the structure.

Congregate Housing. Any group dwelling or facility licensed by the state, public or private, which for gain or otherwise, regularly provides one or more persons with assisted living care. The term "assisted living care" means specialized care and services including the provision of personal services, the administration of medications by a certified medication aide and the provision of assisted self-preservation. The term "personal services" includes, but is not limited to, individual assistance with or supervision of self-administered medication, assistance, essential activities of daily living such as eating, bathing, grooming, dressing, toileting, ambulation and transfer. The term "assisted self-preservation" means the capacity of a resident to be evacuated from an assisted living facility to a designated point of safety and within an established period of time as determined by the Office of Fire Safety Commissioner. Assisted self-preservation is a function of all of the following:

1. The condition of the individual.
2. The assistance that is available to be provided to the individual by the staff of the assisted living facility; and
3. The construction of the building in which the assisted living facility is housed, including whether such building meets the state fire safety requirements applicable to an existing health care occupancy.

Construction Trailer. A temporary structure used as an office and located on an active construction site.

Contractor's Office with outside storage. A room or group of rooms used for conducting business that includes an enclosed exterior space for the storage of business related equipment and supplies.

Contractor's Office without outside storage. A room or group of rooms used for conducting business that does not use any exterior storage area.

Convenience Center with Gas Pumps. A facility that combines a small retail store with the sale and dispensing of gasoline products.

Convenience Store. A retail establishment primarily selling packaged food and household convenience items, which may also dispense automobile fuel, oil and accessories. Excluded from this definition is any establishment providing automotive maintenance services or repairs.

Craftsman Shop or Studio. A facility where products are made or serviced on an individual basis without the use of mechanized or assembly line production equipment.

Curb Break or Curb Cut. Any interruption or break in the line of a street curb for the purpose of connecting a driveway to a street, or otherwise to provide vehicular access to abutting property.

Data Center. A building or complex of buildings in which a substantial portion of the gross square footage is dedicated to the housing of computer or data processing equipment or systems.

Day Care Center. Any establishment operated by an individual, partnership, society, agency, corporation, institution or group, and licensed by or registered with the State of Georgia as a group day

care home or day care center, which enrolls therein for pay, for supervision and care, seven or more children or adults. Such facility may provide supervision, care, education, recreation and specialized programmings but does not provide overnight accommodations.

Deed. An instrument that conveys or transfers title to land or other real property.

Density. The average number of dwelling units or gross square feet of building floor area per gross acre of land. For an individual property, the density shall be calculated by dividing the total dwelling units or gross square footage of the building by the total gross acres of the property that existed when originally approved for its current zoning district.

Design Review Board. The Design Review Board of the City of Alpharetta, as established by this Ordinance and appointed by the Mayor and Council.

Development Activity. The construction of public improvements, site improvements, or buildings, including any alteration of a property in preparation for such construction. Development Activity shall also include the "thinning" or removal of trees from undeveloped land in conjunction with a forest management program, and the removal of trees incidental to the development of land or to the marketing of land for development.

Director. Unless otherwise specified, the Director of Community Development of the City of Alpharetta, Georgia, or the Director's designated representative.

Discount Store. A retail store that sells new or used goods or products at prices lower than traditional retail outlets. Discount stores principally engage in offering a category of similar goods or a wide assortment of goods for sale to the general public.

Distillery. A facility where distilled spirits are manufactured (distilled, rectified or blended).

Downtown Overlay. That portion of the City generally bounded by Canton Street and Mayfield Road to the North; Wills Road and the western boundaries of Milton Manor and Milton Estates Subdivisions to the West; South Main Street, Old Milton Parkway and the southern boundary of Alpha Park Subdivision to the South; and Westside Parkway and the eastern boundary of Alpha Park Subdivision to the East. The study area of the City of Alpharetta Downtown Master Plan shall be shown on the Official Zoning Map and labeled "Downtown Overlay." In the event of a conflict between the general description set out herein and the Map, the Map shall control.

Drainage. See Article III, Section 3.1 for all definitions relating to drainage and storm water control.

Drive or Driveway. A surfaced asphalt or concrete area on a lot which provides direct access for vehicles between a street and a private garage, carport or other permitted parking space or parking area or loading area.

Dry cleaning, pick-up station. An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

Dry cleaning plant. A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and/or agitation, and other processes incidental thereto.

Duplex (or semi-detached). A building type consisting of two independent units that are attached by a common side wall, floor and/or ceiling. Such units normally have at least two, but no more than four floors. These units may share a common front door and are sometimes designed to appear as a single unit.

Dwelling, 'For-Rent' (Downtown Overlay).

- a. Unit—A residential unit designed to be leased or rented and occupied by a single family tenant and located within the Downtown Overlay (map A).
- b. Building—A structure incorporating multiple rental units. (See Apartments.)
- c. See Section 2.7 Standards for Downtown Overlay.

Dwelling, 'For-Rent' (Outside of Downtown Overlay).

- a. Unit—A residential unit designed to be leased or rented and occupied by a single family tenant.
- b. Building—A structure incorporating multiple rental units. (See Apartment.)
- c. See Section 2.7 Standards for Units (outside of Downtown Overlay).

Dwelling, 'For-Sale'.

- a. Detached—A free-standing residential unit designed to be purchased and occupied by a single family.
- b. Attached—A residential unit attached to other residential units and designed to be purchased and occupied by a single family.
- c. Condominium—A type of property ownership in which a 'For-Sale' unit is purchased and the purchaser of each unit acquires full title to the unit and an undivided interest in the common elements (the land, roof, elevator, etc.).

Dwelling, Group. A building or portion of a building occupied or intended for occupancy by a number of unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families. The term "group dwelling" includes but is not limited to the terms rooming house, apartment hotel, nursing home, fraternity or sorority house, YMCA or YWCA. A hotel, motel or bed and breakfast tourist home shall not be deemed to be a group dwelling as herein defined.

Dwelling Unit. One or more rooms connected together and constituting a separate, independent housekeeping establishment designed for use by one family with provision for cooking, eating, sleeping, bathing and personal sanitation, and physically set apart from any other rooms or dwelling units in the same structure or another structure.

Easement. A grant by a property owner of any designated part of a property for the use by another for a specified purpose without transfer of title or right of ownership.

Egress. An exit.

Electric power yards, substation. All equipment, fixtures, and personal property operated or maintained in connection with the production of electricity using any source of thermal, steam, wind, or solar energy with a generating capacity of more than 500 kilowatts and less than 50 megawatts.

Existing Use. The use of a lot or structure at the current time or another time if so designated.

Extended Stay Hotel. A building containing guest rooms for lodging, offered to the public for compensation, which are advertised, designed, intended or routinely utilized for weekly or monthly occupancy, or in which at least 30% of all guest rooms have facilities for the refrigeration and preparation of food by guests, such as a refrigerator and a cooktop/stove (or a refrigerator, a microwave, and a dishwasher or kitchenette sink), and a self-serve laundry facility is available for guests use. For the purposes of this Code, extended stay hotels and hotels (or motels) are separate and distinct uses. See, Section 2.7.3.

Family. One or more persons related by blood, adoption, guardianship or marriage and/or not more than three unrelated persons, living and cooking together as a single, nonprofit housekeeping unit.

Family Day Care Home. An accessory use within a private residence, licensed by or registered with the State of Georgia as a family day care home, operated by the occupant of the dwelling who enrolls for pay, for supervision and care without overnight accommodations, three but not more than six children or adults.

Fast Food Restaurant. See Restaurant, Drive-thru or Fast Food.

Fence. A structure made of manufactured materials—and used for the purpose of defining a boundary, creating an enclosure, providing security, privacy or screening, or as a means of protection.

Flood Control. See Article III, Section 3.4, for definitions relating to flooding and flood control.

Floor Area. The total number of square feet of heated floor space within the exterior walls of a building.

Floor, First. The location within a building in which the primary egress and ingress are provided.

Florist, Retail With Greenhouse. Any business establishment which, as its primary business, sells at retail flowers and ornamental plants. A greenhouse or nursery for the growing of plants, or another open or enclosed supplemental display area outside the establishment, is permitted as a normal accessory use.

Florist, Retail Without Greenhouse. Any business establishment which, as its primary business, sells at retail flowers and ornamental plants. A greenhouse or nursery for the growing of plants, or another open or enclosed supplemental display area outside the establishment, is not permitted.

Frontage Lot or Street Frontage. The width in linear feet of a lot where it abuts the right-of-way of any street from which access may be directly gained.

Funeral Home. A building used for the preparation of deceased human beings for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Future Land Use Map. The map named as such and contained in the Comprehensive Plan that indicates areas appropriate for various land uses and public facilities over time and as described in the Comprehensive Plan text.

Garage Sale. The sale or offering for sale of miscellaneous personal items on a residential zoned lot, (not including churches and schools).

Garden District. That portion of Canton Street bounded by Church Street to the south and Hopewell Road to the north.

Gasoline Station. A facility where primary use is the dispensation of fuels. (Also see Convenience Center with Gas Pumps)

Gazebo. An accessory, open air structure not exceeding 300 sq. ft. in size.

Governing Body. The Mayor and Council of the City of Alpharetta, Georgia, under whose authority this Ordinance is enacted into law, administered, and enforced.

Grade. The degree rise or descent of a sloping surface. The average elevation of the sidewalk or crown of road surrounding a building site.

Grade, Finished. See Section 3.1, "Site Grading and Land Disturbance."

Greenhouse. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale or for personal enjoyment.

Greenspace. All that area of land that can be landscaped or planted, allows natural passage through by water, and is not covered by manmade materials or structures such as buildings or paving.

Group Home. A dwelling shared by four or fewer persons, excluding resident owner, (or no more than six persons including the resident owner), who live together as a single housekeeping unit and in a long term, family-like environment in which the resident owner, serving as the primary caregiver to the residents, provides care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. 1. No group home shall be located within 2,000 ft. of another group home as measured at the property line. 2. A group home shall be limited to one structure and multiple structures located near one another shall not be considered components of one group home. Each structure shall meet distance requirements. The term "group home" shall not include a halfway house, a treatment center for alcoholism or drug abuse, and work release facility for convicts or ex-convicts, a home for detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in custody of the state or other housing facilities serving as an alternate to incarceration. The term "group home" shall also not allow the use of a dwelling as an apartment or duplex. A "group home" shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration, for

any crimes including child molestation, aggravated child molestation, or child sexual abuse, as defined in O.C.G.A. 16-6-4 or individuals required to register as sex offenders pursuant to O.C.G.A. 42-1-12. A group home may include a home for the handicapped. As used in this subsection, the term "handicapped" shall mean:

1. Having a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
2. Having a record of having such an impairment; or
3. Being regarded as having impairment.

However, the term "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals.

Hardware Store. A facility of 30,000 or fewer square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliance, garden supplies, etc.; if greater than 30,000 square feet, such a facility is a Home Improvement Center.

Home Improvement Center. A facility of more than 30,000 square feet gross floor area, engaged in the retail sale of various basic hardware lines, such as tools, builders hardware, paint and glass, houseware and household appliances, garden supplies, and cutlery.

Home Occupation. Any activity carried out as a business and/or for profit by the resident and conducted as an accessory use in the resident's dwelling unit.

Hospital. A building providing primary or tertiary health services and medical or surgical care to persons including in-patients and out-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

Hotel (or Motel). A building in which lodging along with customary lodging facilities and services, such as meeting rooms, restaurant, maid service and fitness center, are provided for transient guests for an average stay of less than 7 days and offered to the public for compensation. Hotel services shall include the provision of food and beverage services suitable for both guests and groups, on-site restaurant, lounges, group meeting spaces with banquet facilities and selective amenities, such as but not limited to spas, banquet rooms, doormen, valet parking, concierge, and high-end restaurant and boutiques. Guest rooms within the building shall contain no equipment for food preparation other than a mini-fridge and/or microwave. There shall be no self-serve laundry facilities (for guests use) within the building. Access to each guest room shall be through an inside lobby supervised at all hours.

Improvements. The buildings, public utilities and facilities, and accessory structures built on or serving a property.

- A. *Public Improvements.* Any structure, owned by or to be dedicated to a government or a utility regulated by the Georgia Public Service Commission, together with its associated public land, easement or right-of-way, necessary to provide transportation, drainage, public or private utilities, or other public services such as education, recreation, or public safety.
- B. *Site Improvements.* Any structure, other than a principal building or a structure intended for dedication to public ownership, constructed to support or provide for the use or occupancy of a property, such as driveways, parking and loading areas, retaining walls and other earthen works, erosion and sedimentation control facilities, stormwater drains and detention facilities, and connections to public water, sewer or other utilities.

Industrial Park. A development that contains a number of separate industrial buildings and supporting uses on one or more lots, which is designed, planned, constructed and managed on an integrated and coordinated basis.

Industrialized Buildings. Prefabricated structures as defined in O.C.G.A. 110-2 and usually used for a limited time period such as for a site construction office, portable classroom and site real estate office.

Ingress. Access or entry.

Island. In parking lot and street design, built-up curbs (and in parking lots usually placed at the end of parking rows) as a guide to traffic and also used for landscaping, signing or lighting.

Junk or Salvage Yards. Any area, lot, land, parcel, building or structure or part thereof used for the storage, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable vehicles or other type of junk. See Also "Recycling Center."

Kennel. An establishment in which more than six dogs or other domesticated animals more than one year old may be housed, groomed, bred, boarded, trained or sold.

Land Disturbance Permit. A permit issued by the City that authorizes Development Activity, and includes, but is not limited to, activity related to soil erosion control, clearing and grubbing, grading, public and site improvements. This permit does not authorize building construction.

Land Use. See "Use," "Principal Use," and "Accessory Use."

Landscape Strip. A portion of a lot required to be reserved for, installed with, and maintained with vegetation. Such a strip may or may not be required to be of a linear form. No utilities or parking shall be allowed within a required landscape strip.

Loading Space, Off-street. A space or berth used for the loading or unloading of commercial vehicles, trucks or other vehicles.

Lot. A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both. In determining the area and dimensions of a lot, no part of the street right-of-way or private street easement may be included.

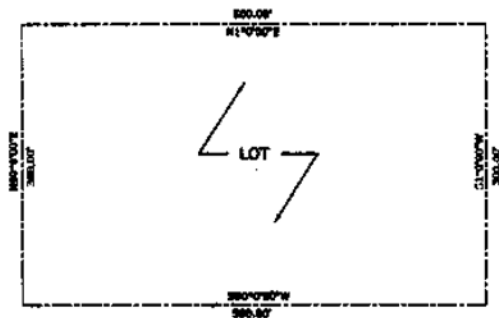
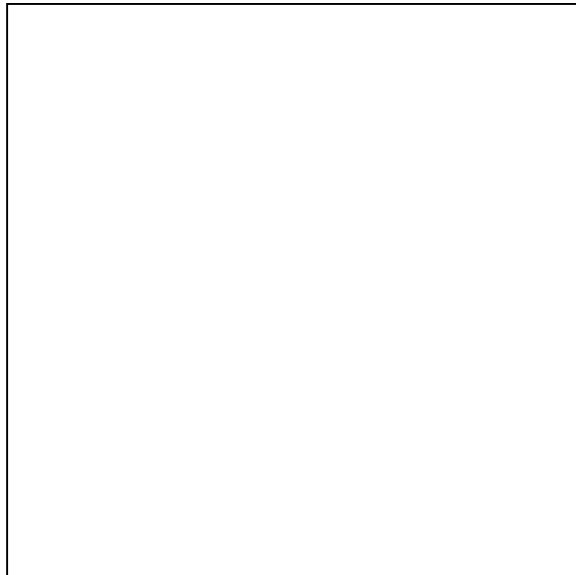
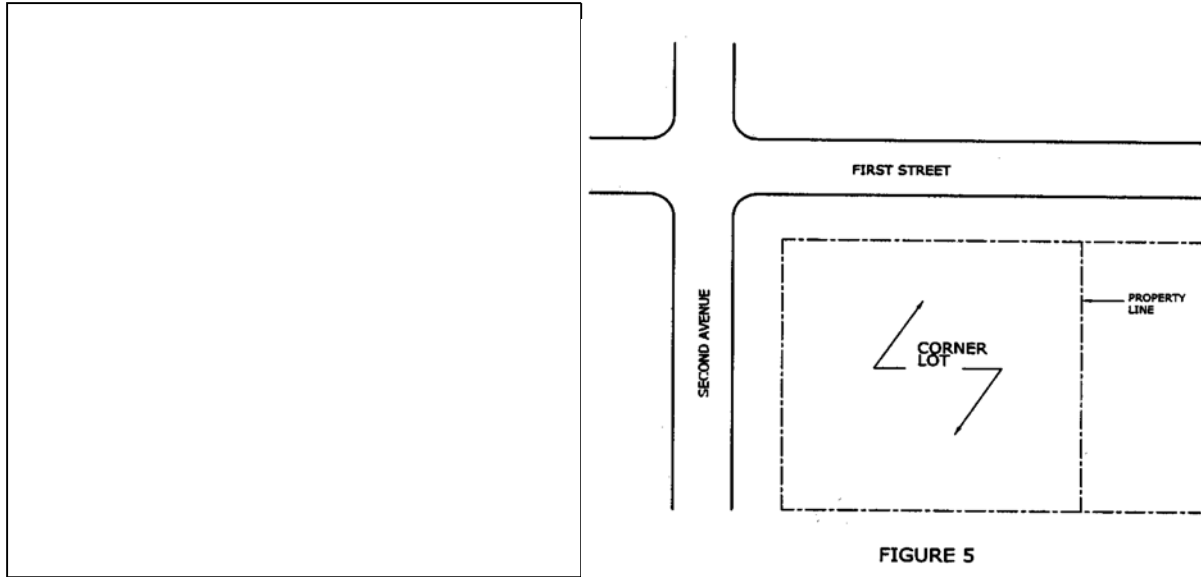


FIGURE 4

Lot Building Area. The portion of a lot located interior to the front, side and rear yard building setback lines; that is, the portion of a lot wherein a building may be located.

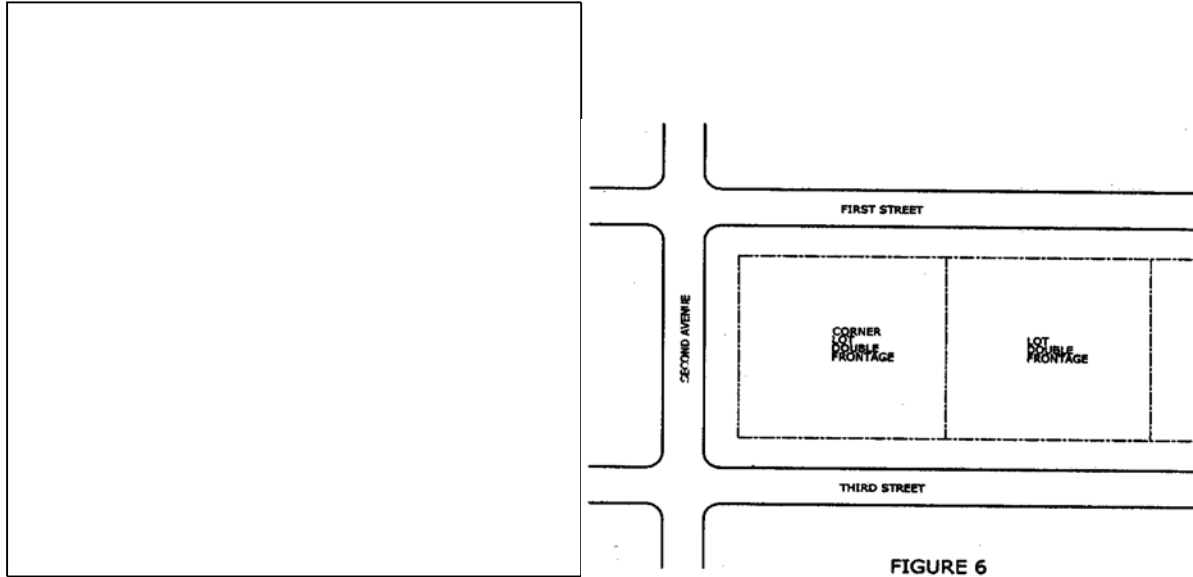
Lot, Corner. A lot abutting two or more streets at their intersection.



Lot Coverage. That portion of the lot that is covered by buildings, structures, and any other impervious surface.

Lot Depth. The distance between front and rear lot lines. If front and rear lines of said lot are not parallel, such least dimension shall be deemed to be the lot depth.

Lot, Double Frontage. A lot which has frontage on more than one street, provided however, that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three or more streets.



Lot, Flag. An "L" shaped lot whose frontage is provided by the driveway access which ties the buildable portion of the property to the street.

Lot Frontage. See "Frontage."

Lot Line. A line of record bounding a lot which divides one lot from another lot or from a street or any public space.

- A. *Front Lot Line.* Any boundary line of a lot which is coterminous with a public street right-of-way line or private street easement line. For a corner lot, the narrow portion is usually considered the front.
- B. *Rear Lot Line.* Any boundary line of a lot which does not intersect with a street right-of-way or private street easement line and which is usually opposite of the front lot line.
- C. *Side Lot Line.* Any boundary line of a lot which intersects with a street right-of-way or private street easement line.

Lot of Record. A lot which exists as shown or described on a plat or deed recorded in the Office of the Clerk of the Superior Court of Fulton County.

Lot Width. The distance measured between side lot lines at the front minimum setback line between intersecting lot lines.

Lot Width—Cul-de-sac. The distance measured between side lot lines at the point of the property that is twice the front setback requirement from the front property line.

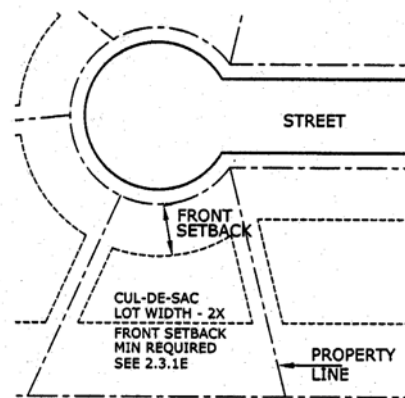
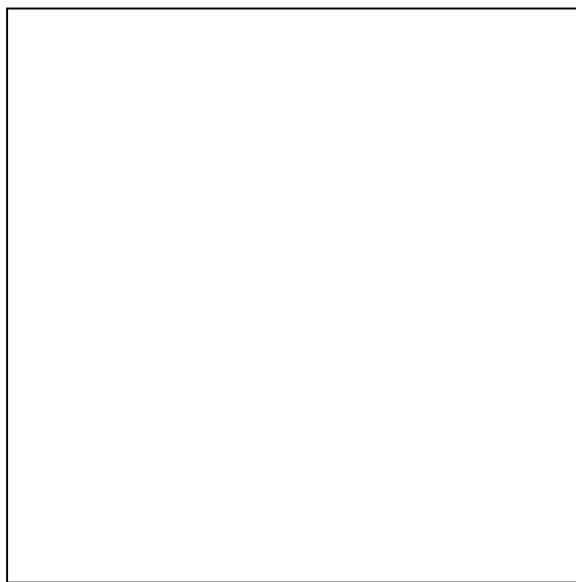


FIG 7

Mansard Façade. An architectural appendage or embellishment to a flat topped structure which is attached to the front external wall and if intended to create the appearance of a mansard roof. See also "Roof."

Manufactured Building. A factory-built, structure that meets national standards for manufactured buildings.

Manufacturing, Heavy. The extraction of natural resources or the transformation of raw materials through mechanical or chemical means into new products ready for assembly, fabrication or use in the production of finished goods.

Manufacturing, Light. The fabrication or assembly of parts into a finished product or component products.

Marquee. Any hood, canopy, awning or permanent construction which projects from a wall of a building, usually above an entrance.

Massage Therapy. Any use, other than a hospital or clinic, where non-medical manipulative devices or exercises are practiced upon the human body by someone other than a licensed medical professional.

Master Plan. A plan map and associated statement of intent which, at least, includes a depiction of pods, roads, buffers, flood areas, permitted uses and development regulations which represents the framework for development activity on a property. See also "Concept Plan."

Median Break or Cut. Any interruption in the curb separating opposing vehicular travel lanes of a street for the purpose of allowing ingress or egress by left turning movements to a street, or abutting property.

Metes and Bounds. A method of describing the boundaries of land by directions and distances from a known point of reference.

Mezzanine. An intermediate floor between two other stories that does not contain more than 1/3 of the area of the floor below it.

Mini-Warehouse. A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

Mobile Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling. 'For-Sale', with or without a permanent foundation when connected to public. utilities. The term mobile home shall not include motorized vehicles with temporary living quarters. Mobile homes built after 1976 are referred to as "Manufactured Homes" or "Industrialized Buildings".

Mobile Home Park. A site with required public and/or private improvements and utilities for the long-term parking of two or more mobile homes or manufactured homes each on a single lot, and which may include such accessory uses as retail convenience sales, Laundromat, and recreational facilities for the exclusive use of residents.

Motel. See "Hotel".

Mural. A hand-painted, hand-tiled, or digitally printed restorative image on the exterior wall of a building or other permanent surface.

Nail Salon. An establishment that offers nail care services such as manicures, pedicures, and nail enhancements, excluding such types of services requiring customers to disrobe.

Natural Resources Commission. The appointed natural resources commission (formerly known as the Tree Commission) for the City of Alpharetta.

Neighborhood Grocery. A facility with a floor area of at least 3,000 square feet but not more than 50,000 square feet that sells primarily grocery items such as prepackaged food, produce, meats, baked goods, beverages and similar food items intended for off-site consumption. At least 60% of the floor area of the facility shall be dedicated to the sale of said grocery items, including any immediately adjacent circulation and service areas, but not including storage.

Nonconforming Lot. A lot of record whose area, frontage, dimensions, or location were lawful prior to the adoption, revision, or amendment of this Ordinance, and which, by reason of such adoption, revision or amendment, no longer meets or exceeds one or more such requirements of the applicable zoning district.

Nonconforming Sign. Any structure or sign which was lawfully erected and maintained prior to the adoption, revision, or amendment of this Ordinance, and which by reason of such adoption, revision or amendment fails to conform to all applicable regulations and restrictions of this Ordinance.

Nonconforming Structure. A structure or building whose size, dimensions, or location on a property were lawful prior to the adoption, revision, or amendment of this Ordinance, but which, by reason of such adoption, revision, or amendment, no longer meets or conforms to one or more such requirements of this Ordinance.

Nonconforming Use. A use or activity that was lawful prior to the adoption, revision, or amendment of this Ordinance, but which, by reason of such adoption, revision, or amendment, is not a use or activity permitted by right or no longer meets or conforms to the requirements of this Ordinance.

Nursery, Plant. Land or greenhouses used to raise flowers, shrubs and plants for sale to distributors or for subsequent replanting by the owner, a landscape company or others. See also "Florist, Retail."

Nursery School. See "Day Care Center."

Nursing Home. An extended or intermediate care facility required to be licensed or approved by the State of Georgia to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Office. A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

Office Building. A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

Office Park. A development that contains a number of separate office buildings and supporting uses on one or more lots, which is designed, planned, constructed and managed on an integrated and coordinated basis.

Opaque. Impenetrable to view, or so obscuring to view that buildings, structures, and uses become visually indistinguishable.

Open Space. A privately or publicly owned area on the grounds of a premises outside of any principal building or parking area, which is open to the sky and set aside and intended for the outdoor enjoyment of occupants or visitors to the property, and which may but is not required to include such pedestrian oriented improvements as landscaping, walkway paths, pergolas, gazebos, bikeways, exercise or play equipment, and benches, and which may further include up to 20% of its area in water bodies or areas inappropriate for pedestrian use. Open space shall not include any other required open areas such as required building setbacks, buffers, landscape strips or other similar requirements of this ordinance. There are 2 types of open space: Civic space and Amenity space.

1. *Civic Space.* Portion of open space for public use defined by the combination of certain physical constants including the relationships among their intended use, their size, their landscaping, and their adjacent buildings. Civic space may include the following types: park, square, plaza, pocket park and playground.
2. *Amenity Space.* The covered or uncovered, but unenclosed, outdoor areas of at least 100 square feet each for use by the occupants, invitees and guests of the development and specifically excluding civic spaces and required sidewalks. Amenity spaces may include the following types: rooftop deck, balconies, patios and porches, outdoor dining areas, pool areas, athletic courts and similar uses, yards and lawns, gardens, hardscape areas improved for pedestrian enjoyment, wooded areas and runoff reduction measures such as bioretention areas and cisterns.

Outdoor Storage. The keeping, in an unroofed area of any goods, material, merchandise or vehicles in the same place for more than 24 hours.

Outdoor Vending. Sale and/or display of products in an area exposed to open air on two or more sides.

Owner. An individual, firm, association, syndicate, partnership or corporation having a majority proprietary interest in land or a building, or their authorized representative.

Parapet. That portion of a wall which extends above the roof line.

Parcel. A lot or tract of land, or several adjoining lots in common ownership.

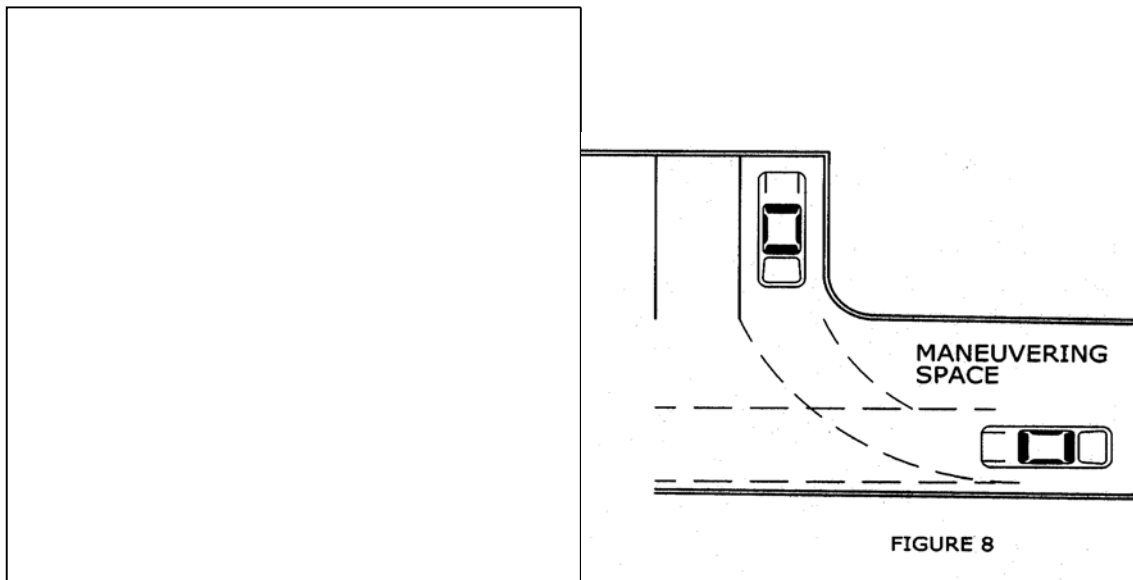
Park Space. A public- or privately-owned area, which is set aside for the enjoyment for occupants or visitors to the property, and which may include both outdoor and indoor areas developed for active and/or passive recreation.

Parking Area. Any public or private area at grade or within a structure used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

Parking Garage. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.

Parking Space. A space identified and set aside for the temporary parking of an automobile or other motor vehicle which is subdivided into the following categories:

- A. *Compact Car Parking Space.* A designated space not less than 8 feet by 16 feet expressly provided within a parking area for purposes of temporarily parking a compact car or other compact motor vehicle.
- B. *Handicapped Parking Space.* A designated space not less than thirteen feet in width (including loading area) and twenty feet in length, laid out and designated by signage in accordance with the requirements of the Georgia Accessibility Code for Buildings and Facilities.
- C. *Handicap - Van Only.* A designated space not less than sixteen feet in width including loading area and twenty feet in length.
- D. *Regular Parking Space.* A designated space not less than 9 feet in width by 19 feet in length.



Patio House. A 'For-Sale' dwelling in which most, or all, of a lot is used with yard space combined instead of divided. Front, rear and side yard are consolidated into one garden area, either partially or completely bordered by rooms or enclosed by walls. See also "Zero Lot Line."

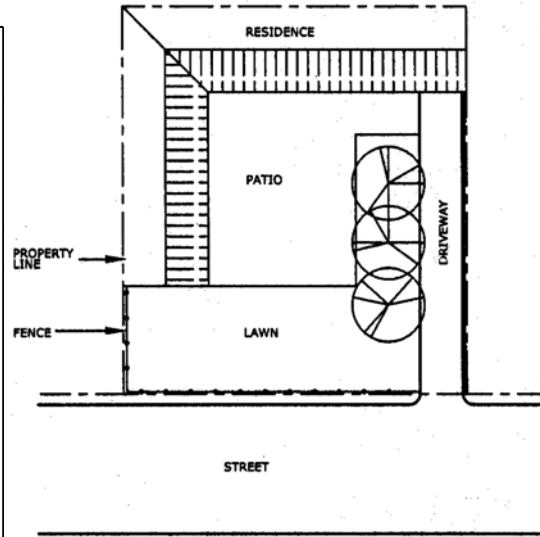
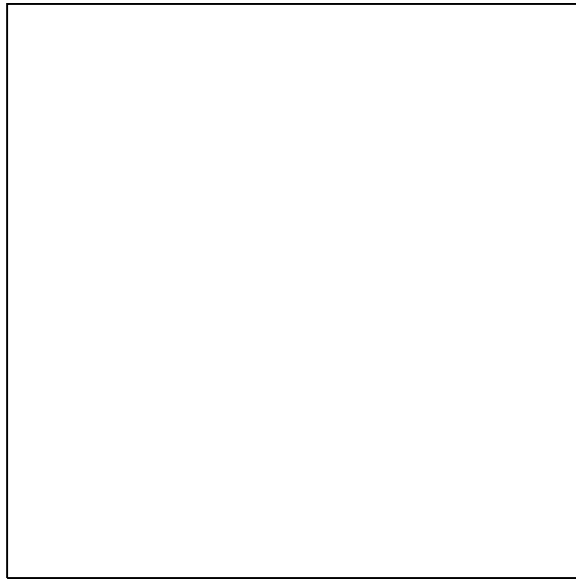


FIGURE 9

Pedestrian Walkway. A right-of-way within a block dedicated to public use, five feet or more in width, intended primarily for pedestrians or bicycles and other non-motorized vehicles.

Perimeter. The boundaries or borders of a lot, tract or parcel of land.

Permit. Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

Permitted Use. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person. Any individual, corporation, association, firm, partnership or other legal entity.

Pet Day Care. A facility that provides care on a regular basis to household animals for a period of less than 24 hours with no overnight accommodations.

Planned Center, Office, Commercial or Industrial. A group of rental stores, service establishments, offices, industries and any other businesses planned to serve the public, which is in common ownership or condominium ownership.

Planning Commission. The appointed Planning Commission of the City of Alpharetta, Georgia.

Planted Area. An area of living plant material created for the purpose of establishing open space and consisting of a minimum of 50% of the area devoted to trees and shrubs.

Plat. (1) a map representing a tract of land, showing the boundaries and location of individual properties and streets; (2) a map of a subdivision or site plan.

Plat, Final. The final map of all or a portion of a subdivision which is presented to the proper review authority for final approval and recorded in the office of the Clerk of Superior Court of Fulton County.

Plat, Minor. A division of a tract or parcel of land into not more than four (4) lots and does not dedicate or offer for dedication any new street or require construction of any private road for access to any lots and does not require extension of sanitary sewer, stormwater, or water mains to service lots.

Plat, Preliminary. A preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the proper review authority for consideration and preliminary approval.

Portable. See Industrialized Buildings.

Premises. An area of land with its appurtenances and buildings which, because of its unity of use, is one unit of real estate.

Principal Building. The building or other structure within which is conducted (or intended to be conducted) the principal use of the lot on which said building is situated.

Principal Use. The primary or predominant use of any lot.

Privacy Fence. A sight-obscuring fence used to block the area enclosed by the fence from view from neighboring properties or public right-of-ways. Sight-obscuring shall mean opaque or having such qualities as to constitute a complete visual barrier to persons outside the perimeter of the sight-obscuring object. A fence which partially obscures sight shall not be considered sight-obscuring, if the distance or open space between boards, slats, rails, stanchions, or balusters (which shall not exceed four (4) inches in width) equals or exceeds the width of said boards, slats, etc., measured at ninety (90) degree angles. A privacy wall shall be treated as a privacy fence.

Prohibited Use. A use that is not permitted in a zoning district by right as a principal use, as an accessory use, or as a conditional use.

Public Space. A public- or privately-owned area, which is set aside for the enjoyment for occupants or visitors to the property, and which is developed for recreation, entertainment, and/or civic purposes and may include plazas, outdoor theaters, sculpture gardens, parks, playgrounds, community gardens, or other areas where people can gather. Areas that are restricted to the general public, like residential amenities, may not be included within the public space requirement.

Recreation Facility. A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

1. *Recreation Facilities, Indoor.* Recreational uses conducted almost wholly indoors, including bowling alley, skating rink, shooting range, health club, etc.
2. *Recreation Facilities, Outdoors.* Recreational uses conducted almost wholly outdoors, including ball fields, soccer, etc.

Recycling Center. A use operated exclusively for the collection and temporary storage of used paper, glass, metal, and similar materials suitable for reprocessing, which are transported elsewhere for separating, processing, or storage.

Rental Services Establishment. Any business establishment which rents or leases items of personal property such as tools, appliances and equipment to the general public.

Residence. A dwelling unit.

Restaurant. An establishment where food and drink are prepared, served and consumed primarily within the principal building, and without a drive-in or drive-thru component.

Restaurant, Drive-thru or Fast-Food. Any establishment, building or structure where food or drink are served for consumption, either on or off the premises, with drive-thru components. This definition shall not include otherwise permitted restaurants where outdoor table service is provided to customers in outdoor dining areas.

Retail Establishment, Mixed Sales. Any business establishment selling a wide variety of goods arranged in several departments including, but not limited to, hardware, automotive, sporting goods, audio and video equipment, and clothing.

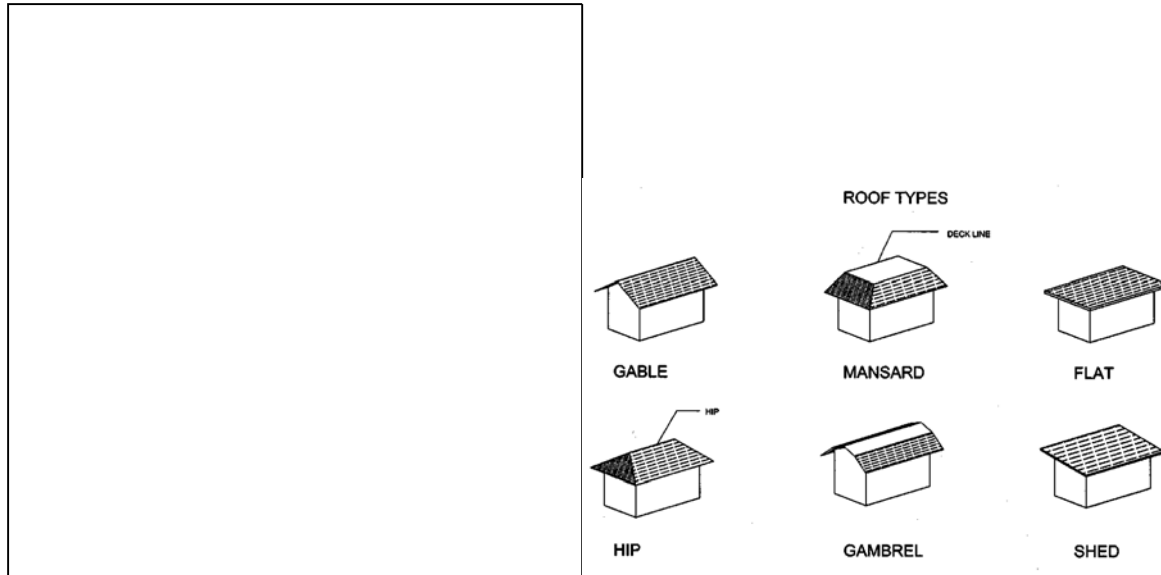
Retail Sales Establishment. A business principally engaged in offering a category of similar goods or products for sale to the general public, such as grocery store, hardware store, pharmacy, clothing shop, home furnishings store, office supplies store, and the like.

Retail Services Establishment. A business principally engaged in providing a service, as opposed to products, to the general public, such as a banking or financial institution, real estate or insurance office, barber or beauty shop, travel agency, amusement or recreation center, health clinic, legal firm, professional service, and the like.

Retail Strip Center. A group of retail stores designed as one development and being less than 50,000 square feet in size.

Right-of-Way. A strip of land occupied or intended to be occupied by a street, sidewalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special purpose use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use in fee simple.

Roof. The outside top covering of a building.



Salvage Yard. A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material.

School, Academic. Any building or part thereof which is designed, constructed or used for education or instruction following the same curriculum offered in a public elementary, secondary, trade or technical, or higher education facility, and accredited to award diplomas as such.

School, Commercial. Any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge or vocational pursuit, other than an academic school.

Semipublic Use. A use owned or operated by a nonprofit, religious, or educational institution for the purpose of providing educational, cultural, recreational, religious, or social services to the general public.

Service Drive. A minor, permanent, public right-of-way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Setback. The straight line distance between a street right-of-way or a lot line and the nearest point of a structure or building or projection therefrom (excluding steps, roof overhang, chimneys, bay windows and patios).

Setback, Front Cul-de-Sac.

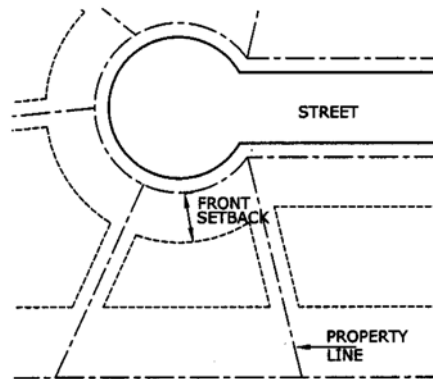
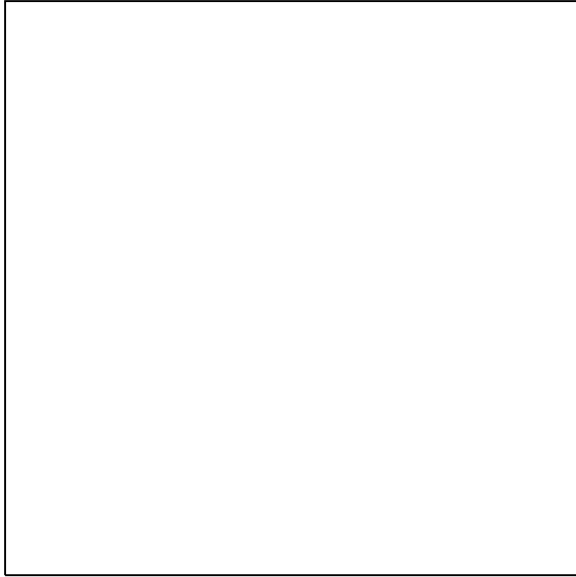


FIG 11

Setback, Minimum. The shortest distance allowed between a property line and any principal or accessory building on a lot, not including any required buffer areas. Minimum setback requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a "side yard setback" is measured from a side lot line.

Shopping Center. A group of retail sales or services establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements with a total size of at least 50,000 square feet.

Shopping Center, Specialty. A shopping center whose shops cater to a specific market and are linked together by an architectural, historical or geographic theme or by a commonality of goods and services.

Sidewalk. A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

Sign. See Article II, Section 2.6, for all definitions relating to signs.

Site Plan. A plan accurately drawn to scale of a development project, depicting the buildings proposed to be placed on the property, related public and site improvements on the site, and additional information as required by this Ordinance or conditions of zoning approval, and other applicable ordinances.

Smoke Shop and Tobacco Store. Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco instruments; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a "smoke shop and tobacco store".

Spa Services. A business that provides services, which may include non-medical massage, other personal services such as skin, nail, hair treatments, hair removal/waxing, and such types of services requiring a customer to disrobe, and may have the sale of associated retail products. Such business shall be located within a retail center, shall not occupy more than 4,000 sq. ft. and shall not be closer than 2,000 ft. to a comparable business.

Special Care Home. An accessory use in a 'For-Sale' dwelling occupied by one or more persons related by blood, adoption, guardianship or marriage and/or not more than three unrelated persons, some of whom are in need of special care, living together as a nonprofit housekeeping unit. The term "special care home" shall include a home for adolescents, a home for physically handicapped persons and a

home for mentally handicapped persons. The term "special care home" shall not include the business of operating a boarding house, rooming house or other similar establishment. Additionally, the term shall not include a penal institution, any place for persons convicted of a crime or any place for persons found to be juvenile delinquents.

Special Event Facility. A public or privately owned structure or area used for the purposes of performances, sporting events, receptions or parties, or similar attractions that may generate heavy traffic. Facilities may include improvements to accommodate special events, such as access and circulation improvements, parking areas, gathering areas, and other physical improvements necessary to accommodate special events.

Storage, Climate Controlled. A facility consisting of a building or group of buildings that contain individual storage units of varying sizes in a climate controlled environment where customer access is through a lobby and where no commercial transactions or activities take place other than the rental of the storage units (permitted in L-I only).

Storage, Mini-Warehouse. A facility consisting of a building or group of buildings that are surrounded by a security fence with controlled access and which contains individual storage units of varying sizes whose doors open directly to the outside and where no commercial transactions or activities take place other than the rental of the storage units.

Storefront Street. A street, that by virtue of its pre-existing pedestrian-supportive qualities, or its future importance to pedestrian connectivity, requires that new development along it achieves a high standard of design and pedestrian orientation.

Storm Water Management Report. A report prepared by a Professional Engineer registered in the State of Georgia that details the pre and post development activity hydrologic conditions.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multi-story building used for parking, even if below grade, shall be classified as a story.

Street. A dedicated and accepted public right-of-way for vehicular traffic from which direct access may be gained to abutting properties, or an easement or private right-of-way approved by the City Council to serve such purpose. The term "street" shall refer to the full width located between the limits of the right-of-way or easement, and not be limited to the roadway itself.

- A. *Principal Arterials* —are those streets and highways which serve major activity centers and emphasize traffic service rather than access to abutting land access. Principal arterials include all limited access freeways, expressways or parkways, and carry a high proportion of total area travel on a minimum of mileage.
- B. *Major Arterials* —are those streets which interconnect with the principal arterial system and provide service to trips of moderate length with emphasis on both traffic service and land access and generally do not penetrate identifiable single family residential neighborhoods.
- C. *Minor Arterials* —provide intra-community continuity but should not penetrate identifiable neighborhoods.
- D. *Collector Streets* —distribute trips from arterial street to their ultimate origin or destination. Collector streets provide a greater level of land access than arterial streets, may enter or traverse identifiable neighborhoods, and rarely serve significant volumes of through traffic.
- E. *Local Streets* —comprise all facilities not classified as arterial or collector. Local streets provide land access with service to through traffic being actively discouraged.

Street, Future Right-of-Way Line. The right-of-way line which is anticipated by the City, State or other agency for future development.

Street Right-of-Way Line. The limit of public ownership or private easement for property containing or intended to contain a street, dividing it from an adjacent lot.

Structure. A combination of materials to form a construction for use, occupancy or ornamentation which is fastened or attached to the ground.

Structure Height. The vertical distance to the highest point of a structure, as measured in the same manner as "Building Height" herein.

Subdivision. The division of a lot, tract or parcel of land into 2 or more lots, tracts, parcels or other divisions of land for sale, development, finance or lease.

Swimming Pool. A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool having a depth of more than 30 inches, designed, used and maintained for swimming and bathing.

Temporary Use. A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Theater. A building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.

Townhouse/Rowhouse. A building type consisting of at least three, but not more than eight independent units that are attached by common side walls in a linear arrangement. Each unit occupies the space from the ground to the roof and normally has at least two, but no more than four floors. Such units typically feature a primary entrance on the front elevation and variations in materials, colors and/or windows to create a visual distinction between each of the attached units.

Tract. See "Lot."

Tree. See Article III, Section 3.2, for definitions relating to tree protection.

Use. The purpose for which a property or structure is designed, intended, reserved, or occupied.

Use, Accessory. See "Accessory Use."

Use, Conditional. See "Conditional Use."

Use, Principal. See "Principal Use."

Variance. Permission granted under circumstances prescribed herein to depart from the specific requirements of this Ordinance.

Vehicle for Hire Company. An establishment offering to transport passengers for a fee in any motorized or animal-drawn vehicle, the charges for which are determined by agreement, mileage or by the length of time for which the vehicle is engaged and also described as a taxi or limousine service.

Warehouse. A building used primarily for the storage of goods and materials. See also "Mini-Warehouse."

Wholesale Trade. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wireless Telecommunications Facilities. See Section 2.8 for definition of 'wireless tower.'

Yard. An area that lies between the buildings on a lot and the nearest lot line.

1. *Front Yard.* A yard situated along any public street right-of-way or private street easement.
2. *Rear Yard.* A yard situated along a rear lot line.
3. *Side Yard.* A yard situated along a side lot line.

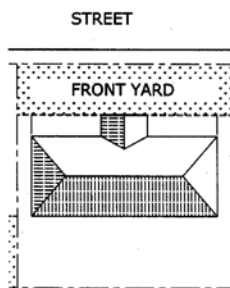
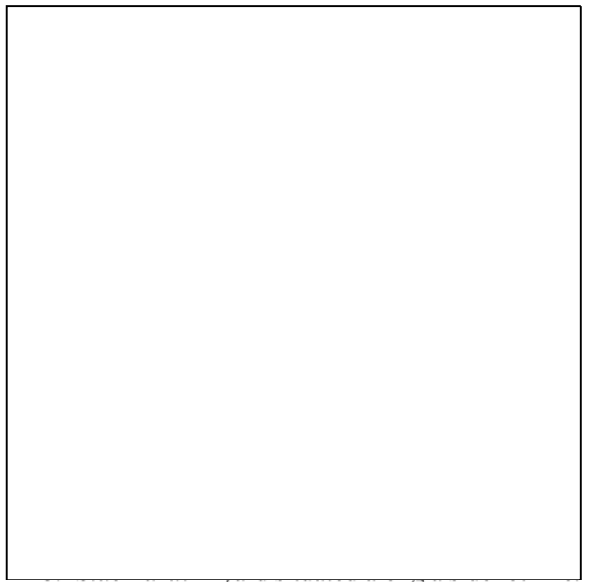


FIG 12

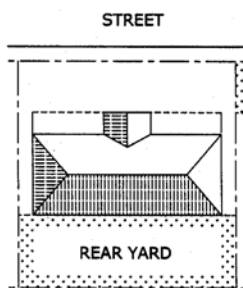


FIG 13

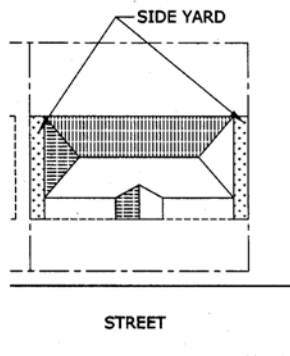


FIG 14

Zero Lot Line. The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

Zoning Change. An amendment to the Official Zoning Map or other action having the result of rezoning a property, approval of a Conditional Use on a particular property, or a change in conditions of approval applied to the zoning or conditional uses pertaining to a property.

Zoning Map. The Official Zoning Map of the City of Alpharetta, Georgia, which may include a series of maps in section.

([Ord. No. 689, § 1, 6-2-2014](#) ; [Ord. No. 702, § 1\(Exh. A\), 3-2-2015](#) ; [Ord. No. 704, § 1, 6-1-2015](#) ; [Ord. No. 715](#) , § 1, 9-28-2015; [Ord. No. 718](#) , § 1, 12-14-2015; [Ord. No. 730](#) , § 1, 12-5-2016; [Ord. No. 741](#) , § 1, 6-5-2017; [Ord. No. 744](#) , § 1, 7-10-2017; [Ord. No. 749](#) , § 1, 9-18-2017; [Ord. No. 772](#) , § 1, 2-4-2019; [Ord. No. 778](#) , § 1, 6-17-2019; [Ord. No. 786](#) , § 1, 9-23-2019)

SECTION 2.2 a - CONDITIONAL USE REVIEW CRITERIA

2.2.1 AG agriculture.

- A. *Permitted Principal Uses.* A property in the AG district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Bed and Breakfast.
 - b. Dwelling, 'For-Sale' Detached.
 - c. Farmlands, including livestock, poultry.
2. Business Uses.
 - a. Taxidermist.
3. Semipublic Uses, Utilities.
 - a. Park or Playground.

- B. *Accessory Uses.* A property in the AG district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a detached 'For-Sale' dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Barns, stables and similar structures for the housing, repair, storing, or processing of farm products of the property.
9. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
10. Signs, subject to all of the requirements regulating signage herein.
11. Retaining walls and other site improvement structures approved as part of the development permit.

- C. *Conditional Uses.* A property in the AG district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Residential and Agricultural Uses.
 - a. Additional 'For-Sale' detached dwelling.
 - b. Greenhouse, Nursery.
2. Business Uses.

- a. Animal Hospital, Veterinarian.
- b. Broadcasting (Radio or TV).
- c. Builder's Equipment.
- d. Carpenter Shop, Woodworking.
- e. Equestrian Center.
- f. Golf Course, Driving Range.
- g. Kennel.

h. Special Event Facility.

3. Semipublic Uses, Utilities.

- a. Airport.
- b. Athletic Facility.
- c. Auditorium.
- d. Cemetery.
- e. Church, Synagogue or any other religious institution.
- f. Club or Lodge.
- g. Country Club.
- h. Heliport, Public/Private.
- i. Utility Substation.
- j. Wireless Tower.

D. *District Regulations.*

Minimum lot size—5 acres.

Minimum Lot Width—200 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,800 square feet.

([Ord. No. 744](#), § 6, 7-10-2017)

2.2.11 CUP community unit plan.

This district is intended to allow for the development of a mix of uses within the framework of a masterplan. The district regulations are intended to allow greater design flexibility without increasing overall density.

- A. *Permitted Principal Uses.* A property in the CUP district may be used only for those uses approved as part of the conditions of approval of the CUP zoning on the property and for related accessory uses, as further limited under "Accessory Uses" and "Conditional Uses" below. The use of land within an overall CUP development is further limited by the following requirements:

Dwelling, 'For-Sale', Detached Residential: A minimum of 25% of the gross land area of the CUP shall be utilized for 'For-Sale' detached dwellings and related accessory uses, streets and other facilities.

Dwelling, 'For-Sale', Attached Residential: No more than 20% of the gross land area of the CUP may be used for 'For-Sale' attached dwellings and related accessory uses, streets and other facilities.

Dwelling, 'For-Rent', Residential: Rental units and related accessory uses, streets and other facilities shall not exceed 20% of the gross land area of the CUP.

Commercial: Uses permitted in the C-1 category shall not exceed (in aggregate) 10% of the gross land area of the CUP.

Open Space: A minimum of 15% of the gross land area must be set aside as open space.

Office and Light Industrial: The following uses shall not exceed (in aggregate) 25% of the gross land area of the CUP:

Office buildings or office parks and related accessory uses, streets and other facilities.

Wholesale, storage or industrial uses and related accessory uses, streets and other facilities.

- B. *Accessory Uses.* A property in the CUP district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted under the conditions of approval for the CUP zoning on the property.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Special Care Home in a 'For-Sale' detached dwelling.
5. Swimming pool, tennis court, play house, storage shed, patio and other private recreation facilities.
6. Clubhouse, swimming pool, or community recreation facilities serving a development.
7. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
8. Signs, subject to all of the requirements regulating signage herein.
9. Retaining walls and other site improvement structures approved as part of the development permit.

- C. *Conditional Uses.* A property in the CUP district may be used for those uses listed in Table 2.2, including any of the following uses if the uses have been included in the conditions of approval for the CUP zoning on the property; or if the uses are designated on the CUP's Concept Plan; or if the CUP's concepts plan identifies district categories (i.e. commercial, office) wherein the use would otherwise be permitted by right or as a conditional use:

1. Agricultural and Residential Uses.

- a. Dwelling, Group (rooming house, assisted living facility, nursing home, fraternity, congregate housing).
- b. Dwelling, 'For-Sale' Attached.
- c. Dwelling, 'For-Sale' Detached.
- d. Dwelling, 'For-Rent'.
- e. Reserved.
- f. Bed and Breakfast.

2. Business Uses.

- a. Animal Hospital, small animals.
- b. Art Galleries.
- c. Automobile Sales and Leasing.
- d. Automobile Service Station.
- e. Automotive Parts.
- f. Automotive Service.
- g. Bakery.
- h. Barber Shop.
- i. Bank, Savings and Loan.
- j. Beauty Shop.
- k. Billiards.
- l. Book Store or Stationery.
- m. Boutique Hotel.
- n. Bowling Alley.
- o. Brewery.
- p. Broadcasting Studio (radio or TV).
- q. Building Materials, retail with enclosed storage.
- r. Clinic.
- s. Commercial Parking Lot.
- t. Contractor's Office without outside storage.
- u. Contractor's office with outside storage.
- v. Convenience Market with or without gas pumps.
- w. Dance Studio.
- x. Day Care Center.
- y. Distillery.
- z. Drug Store.
- aa. Dry Cleaning Pick-up Station.
- bb. Equestrian Center.
- cc. Extended stay hotel (see Section 2.7).

- dd. Florist, Retail without Greenhouse.
- ee. Funeral Home w/ no cemetery or mausoleum.
- ff. Golf Course, Driving Range.
- gg. Golf, Miniature.
- hh. Grocery Store.
- ii. Hardware and Garden Supply Store.
- jj. Hotel or Motel.
- kk. Laboratory, Research or Commercial.
- ll. Laundry, Self-Serve, Pick-up.
- mm. Liquor Store.
- nn. Manufacturing.
- oo. Office Building or Office Park.
- pp. Outdoor Recreation Facilities.
- qq. Park, playground.
- rr. Pet Day Care.
- ss. Pet Grooming.
- tt. Print Shop.
- uu. Public Building.
- vv. Radio or TV, Transmitter or Studio.
- ww. Rental Services Establishment without outside storage.
- xx. Restaurant.
- yy. Restaurant, with Drive-thru window.
- zz. Retail Sales and Services Establishments not otherwise listed for this zoning district.
- aaa. Retail Establishment, Mixed Sales.
- bbb. School, Commercial.
- ccc. Shop or Studio, Craftsman/Artist.
- ddd. Spa Services.
- eee. Special Event Facility.
- fff. Theater, Cinema.

3. Wholesale, Storage and Industrial Uses.

- a. Laundry, Industrial.
- b. Locker, Frozen Food or Cold Storage.
- c. Manufacturing, Light.
- d. Wholesale Establishment.

4. Semipublic Uses, Utilities.

- a. Airport, public or private.
- b. Amphitheater.

- c. Athletic Facility.
- d. Auditorium.
- e. Church, Synagogue, or any other religious institution.
- f. Club, association or lodge.
- g. Country Club.
- h. Fire Station.
- i. Heliport, public or private.
- j. Hospital.
- k. Library.
- l. Museum.
- m. School, Academic.
- n. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
- o. Wireless Tower.

D. *District Regulations.* Minimum Lot Size; the minimum area permitted to be zoned for a CUP is 100 acres.

Lot sizes in use areas: Each area within the CUP shall be designated for use in accordance with one of the various zoning districts in this Ordinance, and shall comply with the minimum lot size required by such designated zoning district or, if more restrictive, the conditions of approval of the CUP zoning on the property.

Maximum Density of Dwelling Units: Each area within the CUP shall be designated for use in accordance with one of the various zoning districts in this Ordinance, and shall comply with the lot size or, when applicable, density limitations of such designated zoning district or, if more restrictive, the conditions of approval of the CUP zoning on the property.

Minimum Lot Width, Minimum Setbacks, Maximum Coverage by Principal Buildings, Maximum Building Height, Minimum Floor Area of a Dwelling Unit, Screening and Buffers: Each area within the CUP shall be designated for use in accordance with one of the various zoning districts in this Ordinance, and shall comply with the requirements of such designated zoning district or, if more restrictive, the conditions of approval of the CUP zoning on the property.

Open space: Each CUP shall have a minimum of 15% of the gross acres of the CUP dedicated or set aside as open space. Amenities may be included within the 15% open space requirement. However, open space shall not include any other required open areas such as required building set backs, buffers, landscape strips or other similar requirements of this Ordinance or other applicable laws.

([Ord. No. 718](#), §§ 2, 4, 12-14-2015; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), §§ 2, 6, 7-10-2017)

2.2.13 O-I office-institutional.

This district is intended for the development of planned office areas which allow for design flexibility through a master plan. Commercial activities are permitted as subordinate uses to the office development.

A. *Conditional Principal Uses.* A property in the O-I district may be used for the uses listed below and shown in Table 2.2 in accordance with an approved masterplan, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use. Lots of less than five (5) acres in

size may be developed for bank or office use without public hearing subject to Design Review Board Approval.

1. Residential Uses.

- a. Dwelling, Group (limited to nursing home, children's home congregate housing or assisted living facility).

2. Business Uses.

- a. Bank, Savings and Loan.
- b. Broadcasting Studio (radio or TV).
- c. Clinic.
- d. Congregate Housing.
- e. Day Care Center.
- f. Drug Store.
- g. Golf Course, Driving Range.
- h. Office Building or Office Park.
- i. Recreational Facilities (Indoor or Outdoor).
- j. Special Event Facility.
- k. Theater, Cinema.

3. Semipublic Uses, Utilities.

- a. Church, Synagogue, or other religious institutions.
- b. Club, association or lodge.
- c. Heliport.
- d. Library.
- e. Museum.
- f. Public Building.
- g. School, Academic.
- h. Recreation Facilities (Indoor or Outdoor).

- B. *Accessory Uses.* A property in the O-I district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Dwelling, 'For-Sale', Accessory: A 'For-Sale' accessory dwelling shall be permitted under the following conditions:

The dwelling shall be located above or to the rear of the commercial or office structure to which it is an accessory.

The dwelling shall be attached by a common wall with the commercial or office structure to which it is accessory.

The dwelling shall be occupied by a single family, a member of whom is the owner or tenant of the commercial or office structure to which it is accessory.

The square footage of the dwelling shall not exceed 40% of the combined square footage of the commercial or office structure and the dwelling.

The dwelling and the commercial or office structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other standard codes of the City.

2. Privacy and decorative fences and walls.
 3. Swimming pool, tennis court, patio and other private recreation facilities.
 4. Clubhouse, swimming pool, or community recreation facilities serving a development.
 5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 6. Signs, subject to all of the requirements regulating signage herein.
 7. Retaining walls and other site improvement structures approved as part of the development permit.
 8. Retail service uses up to 25% of the floor area of an office building for services incidental to the associated office use.
- C. *Conditional Subordinate Uses.* A property in the O-I district may be used for any of the following listed uses upon approval as a conditional use by the City Council provided that the uses in aggregate do not constitute more than 25% of the total project and are not segregated so as to create a retail strip center.
1. Residential Uses.
 - a. Reserved.
 2. Business Uses.
 - a. Art Galleries.
 - b. Automobile Service Station.
 - c. Bakery.
 - d. Barber Shop.
 - e. Beauty Shop.
 - f. Book Store.
 - g. Boutique Hotel.
 - h. Bowling Alley.
 - i. Brewery.
 - j. Car Wash.
 - k. Contractor's Office without outside storage.
 - l. Commercial Parking Lot.
 - m. Convenience Market with or without gas pumps.
 - n. Dance Studio.
 - o. Distillery.
 - p. Dry Cleaning Pick-up Station.
 - q. Extended Stay Hotel (see Sec. 2.7).
 - r. Florist, Retail without Greenhouse.

- s. Funeral Home w/out cemetery or mausoleum.
 - t. Hotel/motel.
 - u. Golf, Miniature, or Golf Driving Range.
 - v. Laboratory, Research or Commercial.
 - w. Liquor Store.
 - x. Print Shop.
 - y. Radio or TV, Transmitter or Studio.
 - z. Restaurant.
 - aa. Restaurant, Drive-In or Fast-Food.
 - bb. Retail Sales and Services Establishments subject to the limitation of [subsection] 2.2.13 B 8.
 - cc. School, Commercial.
 - dd. Spa Services.
3. Wholesale, Storage and Industrial Uses.
- a. Manufacturing, Light.
4. Semipublic Uses, Utilities.
- a. Airport.
 - b. Amphitheater.
 - c. Athletic Facility.
 - d. Auditorium.
 - e. Country Club.
 - f. Hospital.
 - g. Fire Station.
 - h. Park or Playground.
 - i. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - j. Wireless Tower.

D. District Regulations.

Minimum Lot Area—the development shall occupy a total of not less than 25 acres. No minimum lot size is required for each building within the development.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

E. *Screening and buffers* (See Sec. 2.3.5.).

F. *Open space*. All areas zoned O-I shall have a minimum of 10% of the gross acres dedicated or set aside as open space for developments up to 100 acres, and shall have a minimum of 15% of the gross acres dedicated or set aside as open space for developments containing 100 acres or more. Amenities may be included and are encouraged within the open space requirement. However, open space shall not include any other required open areas such as required building setbacks, buffers, landscape strips or other similar requirements of this ordinance.

([Ord. No. 718](#), §§ 3, 6, 12-14-2015; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), §§ 2, 6, 7-10-2017)

2.2.14 C-1 neighborhood commercial.

A. *Permitted Principal Uses*. A property in the C-1 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Residential Uses.

- a. Dwelling, 'For-Sale'—in an existing or historic structure only.
- b. Reserved.
- c. Bed and Breakfast.

2. Business Uses.

- a. Art Gallery.
- b. Bakery.
- c. Barber Shop.
- d. Bank, Savings and Loan.
- e. Beauty Shop.
- f. Book Store.
- g. Carpet and Rug Sales.
- h. Clinic.
- i. Contractor's Office without outside storage.
- j. Day Care Center.
- k. Drug Store.
- l. Dry Cleaning Pick-up Station.
- m. Florist, Retail Without Greenhouse.
- n. Gourmet Food Store.
- o. Hardware and Garden Supply Store.
- p. Jewelry Store.

- q. Laundry, Self-Serve, Pick-up.
 - r. Office Building or Park.
 - s. Pet Day Care.
 - t. Pet Grooming.
 - u. Print Shop.
 - v. Reserved.
 - w. Restaurant, without Drive-thru or Drive-In facilities.
 - x. Retail Sales and Services (Establishments not otherwise listed for this zoning district as a permitted or conditional use).
 - y. School, Commercial.
 - z. Shop or Studio, Craftsman/Artist.
 - aa. Theater, Cinema.
3. Semipublic Uses, Utilities.
- a. Club, association or lodge.
 - b. Library.
 - c. Museum.
 - d. Park or Playground.
 - e. Public Building.

B. *Accessory Uses.* A property in the C-1 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Dwelling, 'For-Sale', Accessory: A 'For-Sale' accessory dwelling shall be permitted under the following conditions:

The dwelling shall be located above or to the rear of the commercial or office structure to which it is accessory.

The dwelling shall be attached by a common wall with the commercial or office structure to which it is accessory.

The dwelling shall be occupied by a single family, a member of whom is the owner or tenant of the commercial or office structure to which it is accessory.

The square footage of the dwelling shall not exceed forty percent (40%) of the combined square footage of the commercial or office structure and the dwelling.

The dwelling and the commercial or office structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other standard codes of the City.
2. Privacy and decorative fences and walls.
3. Swimming pool, tennis court, patio and other private recreation facilities.
4. Clubhouse, swimming pool, or community recreation facilities serving a development.

5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations, herein.
 6. Signs, subject to all of the requirements regulating signage herein.
 7. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* A property in the C-1 district may be used for any of the following only upon approval as a conditional use by the City Council:
1. Residential Uses.
 - a. Reserved.
 - b. Dwelling, Group (congregate housing, nursing home, etc.).
 2. Business Uses.
 - a. Animal Hospital, small animals.
 - b. Assisted Living, Congregate housing
 - c. Automotive Parts.
 - d. Bowling Alley.
 - e. Brewery.
 - f. Check Cashing.
 - g. Church, Synagogue.
 - h. Commercial Parking Lot.
 - i. Contractor's Office with outside storage.
 - j. Distillery.
 - k. Funeral home with no cemetery or mausoleum.
 - l. Grocery Store.
 - m. Golf, Miniature.
 - n. Hotel/Motel.
 - o. Liquor Store.
 - p. Pest Control Business.
 - q. School, Academic.
 - r. Special Event Facility.
 - s. Rental Services Establishment without outside storage.
 - t. Restaurant, Drive-In or Fast-Food.
 - u. Retail Establishment, Mixed Sales.
 - v. Smoke Shop and Tobacco Store.
 - w. Spa Services.
 3. Semipublic Uses, Utilities.
 - a. Athletic Facility.
 - b. Auditorium.
 - c. Hospital.

- d. Parking Lot, Commercial.
- e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

D. District Regulations.

Minimum Lot Area—30,000 square feet.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—45%.

Maximum Building Height—35 feet.

E. Screening and buffers (See Sec. 2.3.5).

([Ord. No. 704](#), § 2, 6-1-2015; [Ord. No. 718](#), §§ 6—8, 12-14-2015; [Ord. No. 730](#), §§ 3, 4, 12-5-2016; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), § 4, 7-10-2017; [Ord. No. 772](#), § 2, 2-4-2019)

2.2.15 C-2 general commercial.

A. Permitted Principal Uses. A property in the C-2 district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Residential Uses.
 - a. Dwelling, 'For-Sale'—in an existing or historic structure only.
 - b. Bed and Breakfast.
2. Business Uses.
 - a. Art Gallery.
 - b. Automobile Service Station.
 - c. Automotive Parts.
 - d. Automotive Service.
 - e. Bakery.
 - f. Barber Shop.
 - g. Bank, Savings and Loan.
 - h. Beauty Shop.
 - i. Book Store.

- j. Bowling Alley.
 - k. Broadcasting Studio (radio or TV).
 - l. Building Materials, retail with enclosed storage.
 - m. Carpet and Rug Sales.
 - n. Clinic.
 - o. Clubs, fraternity, association or lodge.
 - p. Commercial Parking Lot.
 - q. Reserved.
 - r. Contractor's Office with and without outside storage.
 - s. Convenience Market with or without gas pumps.
 - t. Dance Studio.
 - u. Day Care Center.
 - v. Drug Store.
 - w. Dry Cleaning Pick-up Station.
 - x. Florist, Retail Without Greenhouse.
 - y. Grocery Store.
 - z. Hardware Store.
 - aa. Home Improvement Store.
 - bb. Laundry, Self-Serve, Pick-up.
 - cc. Liquor Store.
 - dd. Office Building or Park.
 - ee. Pet Day Care.
 - ff. Pet Grooming.
 - gg. Print Shop.
 - hh. Public Building.
 - ii. Recreation Facilities (Indoor).
 - jj. Rental Services Establishment without outside storage.
 - kk. Restaurant.
 - ll. Restaurant, Drive-In or Fast-Food.
 - mm. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
 - nn. Retail Establishment, Mixed Sales.
 - oo. School, Commercial.
 - pp. Shop or Studio, Craftsman/Artist.
 - qq. Theater, Cinema.
3. Semipublic Uses, Utilities.
- a. Athletic Facilities.

- b. Club, association or lodge.
- c. Hospital.
- d. Library.
- e. Museum.
- f. Park or Playground.
- g. Parking Lot, Commercial.
- h. School, Academic.

- B. *Accessory Uses.* A property in the C-2 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following: (See also Supplementary Regulations in this Article.)

1. Dwelling, 'For-Sale' Accessory: A 'For-Sale' accessory dwelling shall be permitted under the following conditions:

The dwelling shall be located above or to the rear of the commercial or office structure to which it is accessory.

The dwelling shall be attached by a common wall with the commercial or office structure to which it is accessory.

The dwelling shall be occupied by a single family, a member of whom is the owner or tenant of the commercial or office structure to which it is accessory.

The square footage of the dwelling shall not exceed 40% of the combined square footage of the commercial or office structure and the dwelling.

The dwelling and the commercial or office structure to which it is accessory shall be in compliance with all applicable provisions of the life safety code, the building code, and other standard codes of the City.

2. Privacy and decorative fences and walls.
3. Swimming pool, tennis court, patio and other private recreation facilities.
4. Clubhouse, swimming pool, or community recreation facilities serving a development.
5. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
6. Signs, subject to all of the requirements regulating signage herein.
7. Retaining walls and other site improvement structures approved as part of the development permit.

- C. *Conditional Uses.* A property in the C-2 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Residential Uses.
 - a. Reserved.
 - b. Reserved.
 - c. Dwelling, Group (congregate housing, nursing home, etc.).
2. Business Uses.

- a. Animal Hospital, small animals.
 - b. Assisted Living, Congregate housing.
 - c. Automobile Sales and Leasing.
 - d. Boutique Hotel.
 - e. Brewery.
 - f. Car Wash.
 - g. Check Cashing.
 - h. Church, Synagogue.
 - i. Distillery.
 - j. Extended Stay Hotel (see Sec. 2.7).
 - k. Florist, Retail with Greenhouse.
 - l. Funeral Homes.
 - m. Golf, Miniature.
 - n. Greenhouse with nursery.
 - o. Hotel or Motel.
 - p. Limousine Service and Taxi.
 - q. Massage Therapy (see Sec. 2.7).
 - r. Spa Services.
 - s. Radio or TV, Transmitter or Studio.
 - t. Recreation Facilities (Outdoor).
 - u. Small Appliance Repair Shop.
 - v. Smoke Shop and Tobacco Store.
 - w. Special Event Facility.
3. Wholesale, Storage and Industrial Uses.
- a. Wholesale Establishment.
4. Semipublic Uses, Utilities.
- a. Auditorium.
 - b. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - c. Recreational Facilities (Outdoor).
 - d. Wireless Tower.

D. *District Regulations.*

Minimum Lot Area—none.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—Conditional (based on prevailing development patterns).

Side yard—Conditional (based on prevailing development patterns).

Rear yard—10 feet.

Maximum Coverage By Principal Buildings—70% (for development within Downtown Overlay—90%).

Maximum Building Height—40 feet.

E. *Screening and buffers (See Sec. 2.3.5).*

([Ord. No. 703](#), § 1, 6-1-2015; [Ord. No. 704](#), § 2, 6-1-2015; [Ord. No. 718](#), §§ 5—7, 9, 12-14-2015; [Ord. No. 730](#), §§ 3, 4, 12-5-2016; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), §§ 2, 6, 7-10-2017; [Ord. No. 772](#), § 3, 2-4-2019)

2.2.16 PSC planned shopping center.

All uses in the PSC zoning district shall be located within, or as part of a shopping center or specialty shopping center.

A. *Conditional Principal Uses.* A property in the PSC district may be used for those uses listed in Table 2.2, only upon approval as a conditional use by the city council:

1. Residential Uses

- a. Dwelling, 'For-Sale', Attached (only allowed in the North Point Overlay and not exceeding (8) dwelling units/acre unless additional density is authorized in accordance with said overlay).
- b. Dwelling, 'For-Sale', Detached (only allowed in the North Point Overlay and not exceeding (8) dwelling units /acre unless additional density is authorized in accordance with said overlay).

2. Business Uses.

- a. Art Galleries.
- b. Automobile Service Station.
- c. Automotive Parts.
- d. Bakery.
- e. Barber Shop.
- f. Bank, Savings and Loan.
- g. Beauty Shop.
- h. Brewery.
- i. Book Store.
- j. Car Wash.
- k. Carpet and Rug Sales.
- l. Clinic.
- m. Convenience Market with or without gas pumps.
- n. Dance Studio.
- o. Day Care Center.
- p. Distillery.

- q. Drug Store (Pharmacy).
- r. Florist, Retail without Greenhouse.
- s. Grocery Store (max. 50,000 SF in the North Point Overlay).
- t. Hardware Store (max. 50,000 SF in the North Point Overlay).
- u. Home Improvement Store.
- v. Laundry, Self-Serve, Pick-up.
- w. Liquor Store.
- x. Office Building or Park.
- y. Pest Control Business.
- z. Pet Grooming.
- aa. Public Building.
- bb. Recreational Facilities (Indoor).
- cc. Rental Services Establishment without outside storage.
- dd. Restaurant.
- ee. Restaurant, Drive-In or Fast-Food.
- ff. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
- gg. Retail Establishment, Mixed Sales.
- hh. Special Event Facility.
- ii. Theater.

- B. *Accessory Uses.* A property in the PSC district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

- 1. Privacy and decorative fences and walls.
- 2. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
- 3. Signs, subject to all of the requirements regulating signage herein.
- 4. Retaining walls and other site improvement structures approved as part of the development permit.

- C. *Conditional Subordinate Uses.* A property in the PSC district may be used for any of the following only upon approval as a conditional use by the City Council and provided that these uses in aggregate do not constitute more than 50% of the site area:

- 1. Residential Uses.
 - a. Reserved.
- 2. Business Uses.
 - a. Animal Hospital, small animals.
 - b. Automotive Parts.

- c. Automotive Service.
- d. Bowling Alley.
- e. Boutique Hotel.
 - f. Broadcasting Studio (radio or TV).
 - g. Building Materials, retail with enclosed storage.
 - h. Commercial Parking Lot.
 - i. Convenience Center with gas pumps.
 - j. Dry Cleaning Plant.
 - k. Dry Cleaning Plant with pick-up station.
 - l. Florist, Retail with Greenhouse.
 - m. Funeral Home with no cemetery or mausoleum.
 - n. Golf, Miniature.
 - o. Hotel or Motel.
 - p. Pet Day Care.
 - q. Pet Grooming.
 - r. Print Shop.
 - s. Radio or TV, Transmitter or Studio.
 - t. School, Commercial.
 - u. Shop or Studio, Craftsman/Artist.
- 3. Semipublic Uses, Utilities.
 - a. Athletic Facility.
 - b. Auditorium.
 - c. Church, Synagogue.
 - d. Club, fraternity, association or lodge.
 - e. Heliport, public or private.
 - f. Museum.
 - g. Park or Playground.
 - h. Recreational Facilities (Outdoor).
 - i. School, Academic.
 - j. Spa Services.
 - k. Reserved.
 - l. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
 - m. Wholesale Establishment.
 - n. Wireless Tower.
- D. *District Regulations.*

Minimum Lot Area—the planned development shall occupy a total of at least 10 acres. No minimum lot size is required for each building or related development site within the overall development.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—40%.

Maximum Building Height—40 feet.

E. *Screening and buffers* (See Sec. 2.3.5).

F. *Review Criteria.* The PSC district is intended to promote specific objectives. Therefore, the following shall be considered when reviewing a PSC master plan:

1. Pedestrian connectivity to all uses.
2. Large parking areas below grade, in decks or screened. Design efforts to provide shared parking will also be considered.
3. Accommodations for public transportation.
4. Buildings that face or appear to face public roadways.
5. Appearance standards for buildings and structured parking.
6. Limitations on uninterrupted building elevations.
7. Creation of vistas and view corridors within development.
8. Focal point features at prominent locations and ends of vistas.
9. Incorporation of natural site features.
10. Block lengths conducive to pedestrian traffic.
11. Detention and retention facilities designed to be aesthetically pleasing.
12. Creative methods for stormwater management to provide additional open space.
13. Attractive and usable street furniture in public spaces.
14. Emphasis on a high quality landscape plan.

([Ord. No. 715](#), § 2, 9-28-2015; [Ord. No. 718](#), §§ 3, 4, 12-14-2015; [Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), §§ 2, 4, 6, 7-10-2017; [Ord. No. 767](#), §§ 1—3, 10-22-2018)

2.2.17 L-I industrial.

A. *Permitted Principal Uses.* A property in the L-I district may be used for those uses listed in Table 2.2, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
 - a. Greenhouse, Nursery.
2. Business Uses.
 - a. Animal Hospital, small and large animals.
 - b. Art Gallery.
 - c. Automobile Service Station.
 - d. Automotive Parts.
 - e. Automotive Sales and Leasing.
 - f. Automotive Service.
 - g. Bakery.
 - h. Bank, Savings and Loan.
 - i. Book Store.
 - j. Bowling Alley.
 - k. Brewery.
 - l. Broadcasting Studio (radio or TV).
 - m. Building Materials with Outdoor Storage.
 - n. Building Materials, Retail with enclosed storage.
 - o. Car Wash.
 - p. Carpenter Shop, Woodworking.
 - q. Carpet and Rug Sales.
 - r. Check Cashing.
 - s. Church, Synagogue.
 - t. Commercial Parking Lot.
 - u. Congregate Housing.
 - v. Contractor's Office with and without outside storage.
 - w. Convenience Market with or without gas pumps.
 - x. Dance Studio.
 - y. Day Care Center.
 - z. Discount Store.
 - aa. Distillery.
 - bb. Drug Store.
 - cc. Dry Cleaning Pick-up Station.
 - dd. Fireworks Sales.

- ee. Funeral Home.
- ff. Greenhouse, Nursery.
- gg. Grocery Store.
- hh. Hardware and Garden Center.
- ii. Home, Elderly, Children, Nursing.
- jj. Heliport.
- kk. Home Improvement Store.
- ll. Kennel.
- mm. Laboratory, Research or Commercial.
- nn. Laundry, Self-Serve, Pick-up.
- oo. Liquor Store.
- pp. Massage Therapy (see Sec. 2.7).
- qq. Office Building or Office Park.
- rr. Pawn Shop.
- ss. Pest Control.
- tt. Pet Day Care.
- uu. Pet Grooming.
- vv. Print Shop.
- ww. Radio or TV, Transmitter or Studio.
- xx. Recreation Facilities (Indoor).
- yy. Rental Services Establishment with outside storage.
- zz. Rental Services Establishment without outside storage.
- aaa. Restaurant.
- bbb. Restaurant, Drive-In or Fast-Food.
- ccc. Retail Sales and Services Establishments not otherwise listed for this zoning district as a permitted or conditional use.
- ddd. Retail Establishment, Mixed Sales.
- eee. Shop or Studio, Craftsman/Artist.
- fff. Small Appliance Repair Shop.
- ggg. Smoke Shop and Tobacco Store.
- hhh. Spa Services.
- iii. Special Event Facility.
- jjj. Storage, Inside.
- kkk. Tattoo Parlor, Body Piercing.
- lll. Taxidermist.
- mmm. Tire Retreading.
- mmm. Vehicle for Hire Company.

3. Wholesale, Storage and Industrial Uses.
 - a. Bottled Gas, storage and distribution.
 - b. Builder's Equipment.
 - c. Concrete Plant.
 - d. Dry Cleaning Plant.
 - e. Locker, Frozen Food or Cold Storage.
 - f. Machine Shop.
 - g. Manufacturing, Light.
 - h. Mini-Warehouse.
 - i. Septic Tank Sales, Construction.
 - j. School, Commercial.
 - k. Storage, Outside.
 - l. Warehouse.
 - m. Welding Shop.
 - n. Wholesale Trade Establishment.
 4. Semipublic Uses, Utilities.
 - a. Athletic Facility—Outdoor.
 - b. Amphitheater.
 - c. Auditorium.
 - d. Park or Playground.
 - e. Hospital.
 - f. School, Academic.
 - g. Switching Station, Telecom.
- B. *Accessory Uses.* A property in the L-I district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.
- Permitted accessory structures and uses include but are not limited to the following:
1. Privacy and decorative fences and walls.
 2. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
 3. Signs, subject to all of the requirements regulating signage herein.
 4. Retaining walls and other site improvement structures approved as part of the development permit.
- C. *Conditional Uses.* When reviewing a conditional use, consideration shall be given to factors associated with the use including, but not limited to, the following:
1. Site design.
 2. Property access.
 3. Hours of operation of the business.

4. Vehicular trips generated by the use.
5. Impact of the use on surrounding properties.
6. Impact of the use on the natural features of the site.

A property in the L-I district may be used for any of the following only upon approval as a conditional use by the City Council:

1.0 *Business Uses.*

- a. Adult Entertainment Establishment (see Sec. 2.7).
- b. Airport, Public/Private.
- c. Boutique Hotel.
- d. Extended Stay Hotel.
- e. Golf Driving Range.
- f. Glass Fabrication.
- g. Taxidermist.
- h. Tire Retreading.
- i. Theater, Cinema.

2.0 *Wholesale, Storage and Industrial Uses.*

- a. Asphalt Plant.
- b. Dry Cleaning Plant.
- c. Concrete Plant.
- d. Indoor Shooting Range (see Sec. 2.7).
- e. Junk or Salvage Yard.
- f. Laundry Industrial.
- g. Manufacturing, Heavy.
- h. Power Station.
- i. Recycling Center.
- j. Salvage Yard.
- k. Sawmill.
- l. Sewage Disposal Plant.
- m. Transfer Station.

3.0 *Semipublic Uses, Utilities.*

- a. Airport, public or private.
- b. Reserved.
- c. Church, Synagogue, or other religious institutions.
- d. Museum and Library.
- e. Power Station.
- f. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

- g. Wireless Tower.

4.0 *Transfer Station.* Any facility associated with waste or a facility used to transfer solid waste from one transportation vehicle to another for transportation to a disposal facility or processing operation.

4.1 *General Standards.*

- a. No access to transfer station facility shall be allowed from streets that primarily access residential developments;
- b. Access streets shall be paved and shall be able to withstand maximum load limits established by the State of Georgia as approved by the Engineering Director;
- c. No portion of a new transfer station shall be located within a three-mile radius of the property lines of an existing transfer station;
- d. A minimum 200 foot undisturbed buffer and ten-foot improvement setback shall be required along all property lines except public rights-of-way;
- e. A minimum 50 foot buffer and ten-foot improvement setback shall be required along all public rights-of-way;
- f. A minimum six foot high solid fence or wall shall be located on property lines or interior to the required buffers and improvement setback;
- g. Operation of the facility shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday; 9:00 a.m. to 7:00 p.m., Saturday; 12:00 p.m. to 5:00 p.m., Sunday (for routine maintenance and other non-operational facility activities).
- h. Only municipal solid waste is accepted at the facility. No treated or untreated regulated medical waste, treated and destroyed medical waste or asbestos waste debris shall be accepted;
- i. All solid waste is removed from the transfer station within 24 hours of receipt;
- j. A transfer station with permanent operating mechanical equipment must have an attendant on duty whenever the facility is open;
- k. The facility shall be designed and constructed in a manner to ensure that odor will not be emitted from the site;
- l. The transfer facility must be cleaned at least once every 24 hours;
- m. The entrance and exit shall be cleaned at a frequency which prevents the tracking or off-site migration of waste materials;
- n. The operator shall take adequate measures to minimize the creation, emission, or accumulation of excessive dust and particulates;
- o. The operator shall take adequate steps to control or prevent the propagation, harborage and attraction of pests;
- p. All floors must be free from standing water. All drainage from cleaning areas must be discharged to sanitary sewers, authorized cleaning areas must be discharged to sanitary sewers, authorized sanitary waste treatment facilities, or a corrosion-resistant holding tank;
- q. The facility shall provide fire suppression equipment as directed by the City of Alpharetta Fire Department;
- r. All solid waste passing through the transfer station must be ultimately treated or disposed of at an authorized facility;
- s. The transfer station must have adequate storage space for incoming solid waste;

- t. Operational records must be maintained at facilities with permanent operating mechanical equipment. These records must include a daily log of the quantity of solid waste received and transported, specifying the origin by hauler and the destination of the solid waste transported daily;
- u. The facility shall not generate more than 150 total vehicle trips per day;
- v. An annual report must be submitted to the Community Development Department which summarized the information gathered in (t), above;
- w. The facility shall be developed, operated and maintained in a safe, nuisance-free manner; and
- x. The facility and its operation must be in compliance with GA EPD requirements.

4.2 *Additional Permit Application Requirements.*

- a. Application requirements. An application for a solid waste transfer station permit must confirm to the requirements set forth herein. Applications for initial permits to construct and operate a solid waste transfer station must include the following:
 - (1) Regional plan or map. The regional plan or map must delineate the service area of the proposed transfer station.
 - (2) Site plan. The site plan must include:
 - (a) Site conditions and projected site utilization, including all site structures (such as buildings, fences, gates, entrances and exits, parking areas);
 - (b) Property boundaries, access roads, the locations of all surface water bodies, and 100-year floodplain boundaries;
 - (c) All proposed structures and areas designated for unloading, sorting, storage, and loading, including dimensions, elevations and floor plans of these structures and areas, and the general process flow; and
 - (d) Adjacent properties, including the location of public and private water supplies on these properties.
 - (3) Engineering report. The engineering report must include:
 - (a) A description of the general operating plan for the proposed facility, including the origin, composition, and expected weight or volume of all solid waste to be accepted, the maximum time any such waste will be stored, where all waste will be disposed of, and the proposed capacity operating hours, and the expected life of the facility;
 - (b) A description of all machinery and equipment, including the design capacity;
 - (c) A proposed transfer plan specifying the transfer route, the number and type of transfer vehicles to be used, and how often solid waste will be transferred to the disposal site;
 - (d) A description of the facility's drainage system and water supply system; and
 - (e) A contingency plan that details an alternative solid handling system for periods when not operating, or for delays in transporting solid waste due to undesirable conditions, such as delivery of unauthorized waste, fires, dust, odor, vectors, unusual traffic conditions, equipment breakdown or other emergencies.

4.3 *Design Standards.* All transfer stations must meet minimum design requirements as follows:

- a. Unloading and loading areas.
 - (1) The unloading area must be adequate in size and design to facilitate efficient unloading from the collection vehicles and the unobstructed movement of vehicles;

- (2) The unloading and loading pavement areas must be constructed of concrete or asphalt paving material and equipped with adequate drainage structures;
- (3) Processing, tipping, sorting, storage, and compaction areas must be located within an enclosed building;
- (4) Provisions must be made for weighing or measuring all solid waste transferred to the facility;
- (5) Sufficient internal storage areas must be provided for incoming solid waste;
- (6) Exhaust removal systems must be installed in enclosed areas; and
- (7) The facility must be designed to accommodate expected traffic flow in a safe and efficient manner.

4.4 *Expansion or Modification of Existing Facilities.* No transfer station facility existing as of 12/06/04 may make modifications which require a permit, make changes that require a permit modification from the GA EPD or increase the square footage of any buildings on site without City Council approval. When reviewing modification or expansion plans, the Council may consider the extent to which the proposed modification or expansion meets the standards established in Sections 4.1 and 4.3, herein; however, any existing buildings which do not meet setback requirements shall be considered non-conforming and shall remain, but may not be expanded with regard to the setback non-conformity pursuant to UDC Sec. 2.4.2.

D. *District Regulations.*

Minimum lot size—one acre.

Minimum Lot Width—none.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—15 feet.

Rear yard—15 feet.

Maximum Coverage By Principal Buildings—35%.

Maximum Building Height—35 feet.

Development on property over 25 acres in size requires masterplan approval through a Public Hearing process.

E. *Screening and buffers (See Sec. 2.3.5).*

([Ord. No. 708](#), § 1, 8-10-2015; [Ord. No. 715](#), § 3, 9-28-2015; [Ord. No. 718](#), §§ 7, 10—12, 12-14-2015; [Ord. No. 741](#), §§ 2, 3, 6-5-2017; [Ord. No. 744](#), §§ 2, 3, 5, 6, 7-10-2017)

2.2.20 MU mixed use district.

This district is intended to allow for the development of a mix of uses within the framework of a master plan. The district regulations are intended to allow greater design flexibility in order to

accommodate a pedestrian focused environment that provides opportunities for living, working, shopping, recreation and entertainment.

A. *Applicability.* This zoning district is applicable to properties located within:

1. Areas that are primarily non-residential in character; or
2. Along major roadways that are primarily commercial in character; or
3. Historic Downtown Alpharetta; or
4. As noted in the Comprehensive Land Use Plan.

B. *Permitted Principal Uses.* A property in the MU district may be used only for those uses approved as part of the conditions of approval of the MU zoning on the property and as further limited below.

1. *Dwelling, attached or detached:* At least 25% of the MU development shall be utilized as residential dwellings. Land use calculations shall utilize gross floor area for vertical mix of uses and land area for horizontal mix of uses.

Dwelling, 'For-Rent' and 'For-Sale' units shall require conditional use approval as set forth in Table 2.2.

2. *Commercial:* At least 10% of the MU development shall be utilized as commercial uses (as approved in the MU master plan). Land use calculations shall utilize gross floor area for vertical mix of uses and land area for horizontal mix of uses.
3. *Open Space:* MU developments shall incorporate the following amounts and types of open space:
 - a. *All developments:* A minimum of 10% of the gross land area shall be designed for use as civic space in conformance with Sec. 2.10.10.C of the North Point Overlay.
 - b. *Developments with residential uses:* In addition to the requirements of "a" immediately above, each MU development containing residential uses shall provide a minimum of one acre of open space/100 population generated by residential uses. Household size shall be calculated using the most current US Census data for the City of Alpharetta. This requirement shall not apply in the North Point Overlay, where alternate standards apply.
4. *Office/Institutional:* At least 25% of the MU development shall be utilized for office buildings. Land use calculations shall utilize gross floor area for vertical mix of uses and land area for horizontal mix of uses.
5. Redevelopment projects that incorporate existing buildings and do not conform to the dwelling, commercial, or office/institutional percentages set forth in "1","2" or "4" above (prior to redevelopment) are not subject to said requirements when all of the following are met:
 - a. At least 75% of the total existing floor area remains after redevelopment; and
 - b. The total floor area of new construction does not exceed the total floor area of existing buildings to remain; and
 - c. The redevelopment does not increase the degree of non-conformity with regards to the percentages set forth in "1","2" or "4" above.

As determined by City staff, uses shall be calculated using one of the following methods:

Horizontal Mixed Use: Land Use Land Area (acres)/Total MU Land Area (acres) = % Land Use of MU Development

Example: 25 acres of Residential Land Use/100 acres of MU Land Area = 25% Residential Land Use of MU Development

Vertical Mixed Use: Land Use Gross Floor Area (square feet)/Total Gross Floor Area of All MU Development (square feet) = % Land Use of MU Development

Example: 25,000 SF of Commercial Land Use/100,000 SF for All Vertical Development = 25% Commercial Land Use of MU Development

Combination of Horizontal and Vertical Mixed Use:

Land Use Gross Floor Area (square feet)/Total Gross Floor Area of All MU Vertical and Horizontal Development (square feet) = % Land Use of MU Development

Example: [25,000 SF of Vertical Commercial Land Use + 25,000 SF of Horizontal Commercial Development]/200,000 SF for All Vertical and Horizontal Development = 25% Commercial Land Use of MU Development

C. *Conditional Uses.* A property in the MU district may be used for those uses listed below and in Table 2.2, as well as, any additional uses included in the conditions of approval for the MU zoning on the property. Conditional uses not included in the master plan shall require a public hearing by the Planning Commission and approval by the City Council.

1. *Residential Uses:*

- a. Dwelling, Group (assisted living facility, progressive care facility).
- b. Dwelling, 'For-Rent'.
- c. Dwelling, 'For-Sale', Attached and Detached.
- d. Bed and Breakfast.

2. *Commercial Uses:*

- a. Bank, Savings & Loan.
- b. Boutique Hotel.
- c. Brewery.
- d. Contractor's Office (no on site storage).
- e. Day Care Center.
- f. Distillery.
- g. Drug Store (Pharmacy).
- h. Entertainment Venue (jazz club, comedy club, dinner theater, etc.).
- i. Grocery Store (max. 50,000 SF in the North Point Overlay).
- j. Hardware Store (max. 50,000 SF in the North Point Overlay).
- k. Hotel/Motel.
- l. Liquor Store.
- m. Outdoor/Indoor Recreation Facilities.
- n. Religious Institution.
- o. School, Commercial.
- p. Spa Services.

q. Special Event Facility.

- r. Theater, Cinema.
- 3. *Semipublic Uses, Utilities:*
 - a. Athletic Facilities.
 - b. Public Building.
 - c. School, Academic.

D. *District Regulations.*

Minimum Lot Size: The minimum area permitted to be zoned for an MU development is 25 acres.

Maximum Density of Dwelling Units: The MU master plan shall establish maximum density for each area within the development. Density for all residential units combined shall not exceed eight (8) dwelling units/acre, except when City Council approves greater density by conditional use in the North Point Overlay. Density shall be calculated based on the gross acreage of the entire MU master plan.

Development Standards: Regulations governing lot size, lot width, setbacks, principal building coverage, floor area of dwelling unit, and height shall be established for each area within the MU master plan and approved through the public hearing process.

Maximum Impervious Area: 80% for the entire MU development.

Civic Space: See Sec. 2.20.B.3.

Open Space: Open space may include residential recreational amenities. However, at least 50% of the required open space shall be provided in passive land area(s).

- E. *Review Criteria.* The MU district is intended to promote specific objectives. Therefore, the following shall be considered when reviewing an MU master plan:
- 1. Retail, restaurant, office, and personal service uses at ground level.
 - 2. Pedestrian connectivity to all uses.
 - 3. Large parking areas below grade, in decks or screened. Design efforts to provide shared parking will also be considered.
 - 4. Accommodations for public transportation.
 - 5. Buildings that face or appear to face public roadways.
 - 6. Appearance standards for buildings and structured parking.
 - 7. Limitations on uninterrupted building elevations.
 - 8. Creation of vistas and view corridors within development.
 - 9. Focal point features at prominent locations and ends of vistas.
 - 10. Incorporation of natural site features.
 - 11. Block lengths conducive to pedestrian traffic.
 - 12. Detention and retention facilities designed to be aesthetically pleasing.
 - 13. Creative methods for stormwater management to provide additional open space.
 - 14. Attractive and usable street furniture in public spaces.
 - 15. Emphasis on a high quality landscape plan.
 - 16. Number of office jobs internally captured on-site.

F. *Time Linkage/Concurrency.* In order to ensure that the objectives of MU district are met and development occurs which incorporates a mix of uses, a development phasing strategy or time line shall be established for each MU project, subject to the following:

1. *Open Space and Civic Space.* No certificate of occupancy for any use shall be issued until a proportional amount of required open space and civic space has been installed.

Furthermore, when reviewing the phasing strategy or timeline, the City Council may link the issuance of other permits and/or certificates of occupancy for a portion of the development with the completion of other portions of the development.

([Ord. No. 702, § 1\(Exh. A\), 3-2-2015](#) ; [Ord. No. 732](#) , § 1, 2-6-2017; [Ord. No. 741](#) , § 4, 6-5-2017; [Ord. No. 744](#) , § 2, 7-10-2017; [Ord. No. 749](#) , §§ 2, 3, 9-18-2017; [Ord. No. 767](#) , § 4(Exh. A), 10-22-2018)

TABLE 2.2 LIST OF PERMISSIBLE AND CONDITIONAL USES

On the following table, an open circle "O" means that the use will be permitted in that district only if a Conditional Use Permit is granted by the City Council. An "X" means that the use is permitted in the zone district subject to the general provisions of the Unified Development Code. For uses not included in this list or when the Director of Community Development is unable to determine placement, application shall be made to the Board of Appeals for interpretation.

USES	AG	RE	R	R-22	R-15	R-12	R-10	R-4A	R-4D	R-8A/D	R-10M	CUP*	OI*	OP	C-1	C-2	PSC	LI	OS-R	SU	MU
Special Event Facility	<u>O</u>											<u>O</u>	<u>O</u>		<u>O</u>	<u>O</u>	<u>O</u>	X			<u>O</u>

([Ord. No. 671, § 1, 2-4-2013](#) ; [Ord. No. 675, § 1, 6-3-2013](#) ; [Ord. No. 692, § 1\(Exh. 1\), 7-21-2014](#) ; [Ord. No. 703](#) , § 1, 6-1-2015; [Ord. No. 704](#) , § 2, 6-1-2015; [Ord. No. 708](#) , § 1, 8-10-2015; [Ord. No. 715](#) , § 4, 9-28-2015; [Ord. No. 718](#) , § 14(Exh. B), 12-14-2015; [Ord. No. 730](#) , § 5, 12-5-2016; [Ord. No. 741](#) , § 5(Exh. A), 6-5-2017; [Ord. No. 744](#) , § 7(Exh. A), 7-10-2017; [Ord. No. 767](#) , § 7(Exh. C), 10-22-2018; [Ord. No. 772](#) , § 8(Exh. A), 2-4-2019)

* Uses under the CUP and OI Zoning Districts shall be permissible through an approved master plan amendment and statement of intent.

SECTION 2.3 - SUPPLEMENTARY REGULATIONS

2.3.2 Temporary uses.

The Director may authorize a temporary use, as follows:

- A. Carnival, circus or fair, for a period not to exceed 4 days. A period not to exceed 30 days may be granted by the Director if the event is held within a designated amphitheater facility as defined by Code and confirmed by the Director. Site shall meet adequate parking and safety concerns and limit impacts to surrounding properties.
- B. Outdoor tent sales for a period not to exceed forty-five (45) days. Authorization may not be granted more than two (2) times per year, per property.
- C. Seasonal events associated with a not-for-profit for a period not to exceed seventy-five (75) days. Authorization may not be granted more than two (2) times per year, per property. Reserved.
- D. Religious meeting in a tent or other temporary structure in the AG, R-10M, CUP, O-I, C-1, and C-2 Districts, for a period not to exceed sixty (60) days.
- E. Open lot sale of Christmas trees, fruit and vegetables, and other harvested products in the AG, O-I, C-1, C-2 and L-I Districts, for a period not to exceed forty-five (45) days.
- F. Real estate sales office, related to an active development, in any district, for a period not to exceed one (1) year, provided no sleeping accommodations are maintained in the structure.
- G. Contractor's office, construction trailer and equipment shed, in any district, related to an active development, for a period of one (1) year provided that such office be placed on the property to which it is appurtenant.
- H. Commercial television or motion picture filming activities not to exceed seven (7) calendar days at any residential location, or a period not to exceed twenty-one (21) days if approved by the Mayor and Council. The director or the Mayor and Council may impose conditions to the issuance of the permit to minimize the disturbance to the residential neighborhood. These conditions may include neighborhood notification requirements, parking and traffic control, and limitations on the hours of operation. In no event shall filming activities commence prior to 7:00 a.m. or continue after 10:00 p.m.
- I. All temporary certificates of zoning compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no increased traffic congestion and will not create a nuisance to surrounding uses.
- J. The director may require City Council review and approval of any temporary uses.
- K. Fireworks sales in a tent or other temporary structure in the L-1 District, for a period not to exceed ninety (90) days.

([Ord. No. 688, § 1, 4-28-2014](#) ; [Ord. No. 708](#) , § 1, 8-10-2015; [Ord. No. 718](#) , § 15, 12-14-2015)

2.3.6 Fence and wall requirements.

- A. *Height.* Height of fences and walls used as fences shall not exceed six (6) feet on residential property and eight (8) feet on non-residential property. These limits may be exceeded by up to 50% on sloped lots where the appearance of an even fence line is desired.
- B. *Location on Property.* In order to prevent the obstruction of visibility, no walls, fences, shrubbery or hedges over three (3) feet in height shall be located within twenty (20) feet of an intersection of two or more streets or within ten (10) feet of the edge of a driveway leading to a street. Fences and walls shall be placed at least five (5) feet from required landscape strips and buffers to accommodate construction and maintenance unless approved otherwise at a public hearing.

- C. *Materials.* Fences and walls used as fences shall be made of wood which shall be protected from decay by the use of naturally durable wood or wood that is pressure treated, metal, brick, block, vinyl or stone. The use of plywood/sheet goods as a material is prohibited. Barbed, razor wire or electrically charged fencing shall be permitted in AG and RE districts and may be permitted, subject to administrative review and approval, in other districts.
- D. *Appearance.* All fencing shall be constructed with finished side facing away from the property owners property. Fences and walls used as fences shall not be finished with bright or primary colors or be visually distracting in any other way. A privacy fence or chain link fence along a public or private right-of-way shall only be permitted when the required landscape strip and associated landscape material is provided. Privacy and chain link fences shall be prohibited in a front yard, except that the Director of Community Development, or designee, may approve a privacy or chain link fence in the front yard on certain heavily traveled streets.
- E. *Permit.* A permit for construction shall not be required to erect a fence or wall used as a fence which is built in accordance with these standards. Signage incorporated into such fences shall require a sign permit.

([Ord. No. 720](#) , § 1, 2-22-2016)

APPENDIX A. - ALPHARETTA DOWNTOWN CODE^[1]

ARTICLE 1. - GENERAL PROVISIONS

1.3.2. Relationship between Land Use Categories and Downtown Zoning Districts.

The land use categories established by the Comprehensive Land Use Plan may be implemented by the establishment of appropriate zoning districts within each category. The Downtown Zoning Districts permitted within each land use category are restricted to the following:

- A. The "~~Downtown District~~" "Central Business District" land use category permits the "Downtown Core" zoning district.
- B. The "Mixed-Use ~~Commercial~~ District" land use category permits the "Downtown Mixed-Use" zoning district.
- C. The "Mixed-Use Live-Work District" land use category permits the "Downtown Live-Work" zoning district.
- D. The "~~High Density Residential~~" "Downtown Residential Density" land use category permits the "Downtown Residential" zoning district.
- E. All other land use categories permit the zoning districts identified in the Comprehensive Land Use Plan.

ARTICLE 3. - DOWNTOWN ZONING DISTRICT

Sec. 3.4. - Uses Allowed by District.

3.4.1. Allowed Use Table.

- A. In order to regulate a variety of similar uses, use categories have been established for principal uses. Use standards for both principal and accessory uses are specified in Section 2.3 and Section 2.7 of the Unified Development Code. Uses not listed may be interpreted by the Director of Community Development. When the Director of Community Development cannot determine placement, an application shall be made to the Board of Appeals for interpretation.
- B. Principal and accessory uses allowed by district are shown in the table below.

3.4.2. Use Table Key.

- A. Permitted Use (X). Indicates a use is permitted in the respective district. The use is also subject to all other applicable requirements of the Unified Development Code.
- B. Conditional Use (O). Indicates a use may be permitted in the respective district only where approved by the City Council in accordance with Section 4.2 of the Unified Development Code. Conditional uses are subject to all other applicable requirements of the Unified Development Code, including any applicable use standards, except where the use standards are expressly modified by the City Council as part of the conditional use permit approval.
- C. Use Not Permitted. An empty cell indicates that a use is not permitted in the respective district.

Key: X = Permitted Use O = Conditional Use Empty Cell = Use Not Permitted				
Use Category	Downtown Zoning Districts			
Specific Use	DT-C	DT-MU	DT-LW	DT-R
Open Uses				
Community Garden	X	X	X	X
Equestrian Center				
Farmlands (including Livestock, poultry)				
Greenhouse, Nursery				
Residential Uses				
Household living (see district regulations for additional density and Conditional Use Permit requirements):				
Dwelling, 'For-Sale,' Attached	X	X	X	X
Dwelling, 'For-Sale,' Detached	X	X	X	X
Dwelling, 'For-Rent'	O	O		
Group living:				
Congregate Housing, Assisted Living Facility	O	O		
Home-Elderly, Children, Nursing	X	X		
Public/Institutional Uses				
Associations, (Clubs & Lodges)	X	X	O	O
Cemetery				

Church, Synagogue, Other Place of Worship	O	O	O	O
Country Club				
Fire Station	X	X		
Golf Course, Driving Range				
Museums & Libraries	X	X	O	
Park and Playground	X	X	X	X
Power Station				
Prison				
Public Building	X	X	O	
Sewage, Disposal Plant				
School, Academic	O	X	O	
School, Commercial (Beauty, Business)	X	X	O	
Utility Substation	O	O	O	O
Telecommunications				
Antenna Tower				
Broadcasting Studio (Radio & TV)	O	O	O	
Switching Station (Telecom)				
Commercial Uses				
Adult Entertainment Establishment				
Amphitheater	O	O	O	

Animal Hospital, Small Animal (Veterinarian)	O	O		
Animal Hospital, Large Animal		O		
Art Galleries	X	X	O	
Athletic Facilities/Fitness Studio	X	X	O	
Auditorium	O	O	O	
Auto Sales and Leasing (Trucks, Vans, Cars & Accessories)		O		
Automotive Parts	X	X		
Automotive Service		X		
Bakery (under 8,000 square feet in floor area)	X	X	O	
Bakery (8,000 square feet or more in floor area)		X		
Bank, Savings & Loan, Mortgage Company	X	X	O	
Barber Shop	X	X	O	
Beauty Shop	X	X	O	
Bed & Breakfast	X	X	O	O
Book Store or Stationery	X	X	O	
Boutique Hotel	O	O		
Brewery	O	O		
Car Wash				
Carpet and Rug Sales	O	O		
Check Cashing		O		

Clinic, Public/Private	X	X	O	
Contractor's Office (with no outside storage)	O	X	O	
Contractor's Office (with outside storage)		O		
Convenience Center (with gas pumps)		X	O	
Dance Studio	X	X	O	
Day Care Center	O	X	O	
Discount Store				
Distillery	O	O		
Drug Store, Pharmacy	X	X	O	
Dry Cleaning, Pick-Up Station	X	X		
Florist, Retail (with no greenhouse)	X	X	O	
Florist, Retail (with greenhouse)		O		
Funeral Home (with no cemetery or mausoleum)	O	O	O	
Golf, Miniature		O		
Grocery Store (under 2,000 square feet in floor area, located at a street corner, and limited to one per block)	X	X	O	
Grocery Store (2,000 square feet or more in floor area)	X	X		
Hardware & Garden Supply Store (under 8,000 square feet in floor area)	X	X		
Hardware & Garden Supply Store (8,000 square feet or more in floor area)		X		
Home Improvement Store		X		
Hospital		O		

Hotel	O	O		
Indoor Shooting Range				
Kennel				
Laundry, Self-Serve, Pick-Up		X		
Liquor Store	O	O		
Massage Therapy		O		
Nail Salon	X	X	O	
Office	X	X	X	
Outdoor Recreational Facilities (Commercial) (Playfields, etc.)	O	O	O	
Parking Lot, Commercial (under 30 spaces)	O	O	O	
Parking Lot, Commercial (30 spaces or more)	O	O		
Pawn Shop				
Pet Day Care (with no overnight boarding)	X	X	O	
Pet Grooming	X	X		
Print Shop	X	X	O	
Recreation Facilities, Indoor (Health Clubs, Bowling Alley, Skating Rink, Billiards, Children's event facilities, etc.)	O	O	⊖	
Rental Services Establishment with no outside storage	O	X		
Restaurant (see Accessory Uses for additional drive-through requirements)	X	X	O	
Retail Establishment (with no mixed-sales)	X	X	O	
Retail Establishment (with mixed-sales)	O	O		

Service Station, Automotive		X		
Shop or Studio, Craftsman/Artist	X	X	O	
Small Appliance Repair Shop	O	O		
Spa Services	O	O	O	
<u>Special Event Facility</u>	<u>O</u>	<u>O</u>		
Tattoo Parlor & Body Piercing				
Theater, Cinema	O	O	⊖	
Industrial Uses				
Asphalt Plant				
Bottle Gas Storage & Distribution				
Builder's Equipment/Material				
Carpenter Shop, Woodworking (under 8,000 square feet in floor area)	O	O		
Carpenter Shop, Woodworking (8,000 square feet or more in floor area)				
Concrete Plant				
Dry Cleaning, Plant				
Glass Fabrication (under 8,000 square feet in floor area)				
Glass Fabrication (8,000 square feet or more in floor area)	O	O		
Junk Yard				
Laboratory, Research Commercial				
Laundry, Industrial				

Locker, Frozen Food or Cold Storage				
Machine Shop				
Manufacturing, Heavy, General				
Manufacturing, Light, Limited (under 8,000 square feet in floor area)	O	O	⊖	
Manufacturing, Light, Limited (8,000 square feet or more in floor area)				
Mini-warehouse Storage, Conditioned or Unconditioned Space				
Pest Control Business (with or without onsite chemical storage)		O		
Recycling Center				
Rental Services Establishment with outside storage (other than auto related)				
Salvage Yards				
Sawmill				
Septic Tank, Sales, Construction				
Storage, Inside				
Storage, Outside				
Taxidermist				
Tire Retreading				
Transfer Station				
Welding Shop				
Wholesale Storage and Distribution				
Transportation Uses				

Airport, Public/Private				
Heliport, Public/Private				
Limousine Service & Taxi (with or without outside vehicle storage)		O		
Accessory Uses				
Clubhouse, swimming pool, or community recreation facilities serving a development	X	X	X	X
Drive-Through Window		O	⊖	
Dwelling, 'For-Sale', Accessory	X	X	X	X
Family Day Care Home	X	X	X	X
Group Home				
Home Occupation	X	X	X	X
Live-Work	X	X	X	
Parking Garage	X	X	O	
Privacy and decorative fences and walls	X	X	X	X
Retail service uses up to 25% of the floor area of an office building for services incidental to the associated office use.	X	X	O	
Retaining walls and other site improvement structures approved as part of the development permit.	X	X	X	X
Signs, subject to all of the requirements regulating signage of the district.	X	X	X	X
Special Care Home	X	X	X	X
Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities	X	X	X	X

Vehicle access, parking and loading areas	X	X	X	X
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([Ord. No. 741](#), § 4, 6-5-2017; [Ord. No. 744](#), § 2, 7-10-2017)



CITY COUNCIL MEETING STAFF REPORT

SUBMITTING DEPARTMENT: COMMUNITY DEVELOPMENT

SUBMITTED BY: KATHI COOK

DRAFTED BY: MICHAEL WOODMAN

I. AGENDA ITEM TITLE: PH-20-11 UNIFIED DEVELOPMENT CODE TEXT AMENDMENTS – CONDITIONAL USE PERMIT REVIEW
CRITERIA AND DISCOUNT STORE

PLANNING COMMISSION: AUGUST 6, 2020

CITY COUNCIL: AUGUST 24, 2020

II. RECOMMENDATION:

Approve text amendments to the Unified Development Code related to Conditional Use Permit review criteria and definition of Discount Store.

III. REPORT IN BRIEF:

Consideration of text amendments to Unified Development Code (UDC) Section 1.4 Definitions, to amend the definition for 'Discount Store' and Subsections 2.2(a) and 4.2.3(B) to add review criteria related to a request for a Conditional Use Permit.

The following sentence was added to the definition of 'Discount Store' for clarification purposes:

Discount Store. A retail store that sells new or used goods or products at prices lower than traditional retail outlets. Discount stores principally engage in offering a category of similar goods or a wide assortment of goods for sale to the general public. This includes, but is not limited to, swap shops, flea markets, antique malls, donation centers, surplus stores and thrift stores.

It is recommended that the following criteria be added to the conditional use permit criteria:

7. Ensuring that the conditional use is appropriately separated from the same use and conflicting uses, such as a residence, government building, park, church or school.

IV. ATTACHMENTS:

- UDC Strike Through and Underline Edits

EXHIBIT A

1.4.2 Defined terms.

Words and phrases defined herein shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Ordinance shall be construed to have the meaning given by common and ordinary use as defined by Webster's New International Dictionary, Latest Edition. Figures associated with defined terms in this Section are provided for illustration only and do not limit or change the meaning of the term as defined in writing.

Discount Store. A retail store that sells new or used goods or products at prices lower than traditional retail outlets. Discount stores principally engage in offering a category of similar goods or a wide assortment of goods for sale to the general public. This includes, but is not limited to, swap shops, flea markets, antique malls, donation centers, surplus stores and thrift stores.

EXHIBIT B

UDC 2.2(a) Conditional Use Review Criteria

When reviewing a conditional use, consideration shall be given to factors associated with the use including, but not limited to, the following:

1. Site design. 2. Property access. 3. Hours of operation of the business. 4. Vehicular trips generated by the use. 5. Impact of the use on surrounding properties. 6. Impact of the use on the natural features of the site. 7. Separation from same uses and conflicting uses.

UDC 4.2.3

B. Conditional Use Standards. A conditional use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria at a public hearing and satisfactory provisions or arrangements are made for:

1. Access into and out of the property with regard to traffic and pedestrian safety, volume of traffic flow, and emergency vehicles, as well as the type of street providing access;
2. The extent to which refuse areas, loading and service areas, off street parking, and buffers and screening are provided on the property;
3. Ensuring that the conditional use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;
4. Ensuring that the conditional use will not increase local or state expenditures in relation to the cost of servicing or maintaining neighboring properties;
5. Ensuring that the conditional use will not impede the normal and orderly development of surrounding property for uses predominant in the area;
6. Ensuring that the location and character of the conditional use is considered to be consistent with a desirable pattern of development for the city, in general; and
7. Ensuring that the conditional use is appropriately separated from the same use and conflicting uses, such as a residence, government building, park, church or school.